

MINUTES OF REGULAR MEETING HELD JUNE 30, 2020

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, June 30, 2020 at 8:00 p.m.

Mayor Brindle made the following announcements:

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 11, 2019. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Brindle Council Members, Habgood, Parmelee, LoGrippo, Katz, Mackey, Contract, Dardia, Boyes

ABSENT: None

Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom

FLAG SALUTE

PRESENTATIONS

Administrator's Update.

- Announced that estimated tax bills were recently mailed and which includes an informational letter from the Mayor. Reminded residents that this is an estimated bill for August 1 payments and explained that it was necessary because the certified tax rate for Union County, the schools, library and Town has not yet been certified. A final bill for all four quarters would be mailed before September 30 as required by law. Explained that tax collections are more important than ever because of the pandemic. The Town had a very strong second quarter collection and he is hoping this would continue for the third quarter. Thanked residents for their patience and responsiveness;
- Announced that a Request for Proposals (RFP) has been issued for the renovated train station kiosk. Stated that renovations are complete with the exception of exterior paint. The RFP involves the solicitation of proposals by vendors interested in operating the kiosk. Submissions are due July 28, 2020, with the expectation that operation of the kiosk would begin in September.

Councilman LoGrippo requested clarification as to the final cost for renovation of the kiosk.

The Town Administrator stated that he does not know the exact figure and that final bills are still being submitted. Explained that the cost is a little higher than anticipated because of electrical work that was necessary in partnership with NJ Transit. Stated that he would follow up with the Town Engineer for the final cost.

Councilman LoGrippo also requested a break-even analysis for the kiosk.

The Town Administrator explained that a break-even analysis could not be provided until responses to the RFP are received and there is a contract awarded.

The Town Administrator continue with his update as follows:

- Announced that funding was awarded to the Town through the Clean Communities Program which allows the Town to open the Conservation Center on Sundays in addition to its current scheduled operation on Thursdays, Fridays and Saturdays. Stated that operation on Sundays would begin on July 5 and continue through the remainder of the season. Also reminded residents that the Conservation Center would be closed this coming Friday and Saturday, July 3 and 4, due to the holiday.
- Discussed resolutions on the agenda authorizing the Town to submit various grant applications. Explained that in addition to the Town's annual submission for funds for road improvements, another application involves funding through the Safe Routes to Transit Program for sidewalk improvements, replacements, additions, ADA compliant ramps and striping along the North Avenue corridor from North Avenue to the train station on Elm Street as per the walkability study that was prepared by Rutgers. A fourth application pertains to bike lanes as recommended through the Town's Bicycle and Pedestrian Plan prepared in 2019 by a consultant of NJ Department of Transportation. The plan included recommendations for bicycle lanes throughout the Town, but this grant application only pertains to bicycle lanes on Boulevard and Summit Avenue to and from the South Avenue Train Station parking lot;
- Lastly, discussed a resolution authorizing an award of contract for paving of North Chestnut Street. Stated that an estimated half of the cost would be offset through grant funds, and the bids received for the project were better than expected. In addition, he hopes in July to award a contract for the paving of Scotch Plains Avenue from South Avenue to Dorian Road with funds obtained through state aid to offset the cost. Mentioned that these road improvements are in addition to paving being conducted within the Town by Elizabethtown Gas.

Councilman LoGrippo stated that he has received questions concerning the Adopt-a-Drain Program and residents have asked why street sweepers are not being used more often. Discussed the recent purchase of new street sweepers, which he supported.

The Town Administrator explained that, as in 2019, street sweepers would be used through the entire months of July and August, in addition to the sweeping that is done after leaf season, and the Public Information Officer would begin publicizing the sweeping schedule beginning next week.

Councilman LoGrippo requested clarification as to the disposal of debris from the Adopt-a-Drain Program and asked if it could be comingled with debris to be cleaned through street sweeping or if it should be disposed of at the Conservation Center.

The Town Administrator explained that debris collected through street sweeping is a different type of material than the debris collected through the Adopt-a-Drain Program. Explained that the debris

he removes from the storm sewer in front of his home includes leaves and branches, and he brings it to the Conservation Center for disposal along with brush and grass from his property.

Councilman Contract discussed the Adopt-a-Drain Program, stating that over 60 residents are participating. Feels it is important for Councilman LoGrippe to inform residents that street sweepers take 2 full passes through the Town each year, with one pass taking 8 weeks to complete. As such, if street sweeping were conducted all year long, only 4 passes would be completed. Explained that the Town moved forward with the Adopt-a-Drain Program to ask residents for their assistance and participation in keeping storm drains free of debris. Feels this program is no different than asking residents to report streetlight outages or picking up litter they might come across. Feels it is important for residents to understand why street sweepers are used and why this program is a supplement. Stated that it is not reasonable from a cost and labor perspective to have street sweepers throughout the entire year.

Councilwoman Habgood mentioned that the Adopt-a-Drain Program is a voluntary program.

Councilman Contract confirmed that the program is completely voluntary. The Town is partnering with an organization that leads the program and Westfield is the first on the east coast to partner with them. Explained that participation in the program is easy and involves going online and finding the drain closest to your home, adopting it, naming it, and reporting what is collected. The Green Team recommends residents participate and Councilman Contract suggested residents get their children involved. Reiterated that 60 residents currently participate, but the goal is to reach 100.

Councilman LoGrippe requested clarification as to the cost involved with the program, stating that he believes it was approximately \$3,000.

Councilman Contract stated that the cost was less than \$3,000 and relate to use of the online system.

Mayor's Remarks:

- Thanked those who joined the meeting virtually and reminded all that public comment would only be accepted via Zoom, with live streaming for viewing only on Facebook. A replay of the meeting would also be available on Facebook, YouTube, and TV 36;
- Provided an update of COVID-19 and announced that there are 171,667 confirmed cases in New Jersey, with another 642 still under investigation. Currently, Union County has 16,386 cases, with Westfield reporting no new cases since June 17, keeping the Town's total at 282;
- Provided a State update and informed residents that Governor Murphy announced yesterday that indoor dining would not resume on Thursday after COVID-19 spikes occurred in other states, which were driven by, in part, the return of indoor dining. He expects the majority of the State's announced restart dates for outdoor activities and limited indoor activities to continue if health trends stay on track. In addition, New Jersey expanded its list of states to 16 that meet the criteria for 14-day quarantine to include California, Georgia, Iowa, Idaho, Louisiana, Mississippi, Nevada and Tennessee;

- Congratulated the Jefferson School Green Team for their recent Student Recognition Award by the State for running a pilot program version of the Town's food waste recycling program. Feels it was a wonderful initiative by these students, who embraced sustainability and demonstrated leadership to help take care of the planet. Also thanked Jefferson Principal Dr. Hung, all of the participating students, parents, faculty and head custodian Mr. Kaler for their contributions to this effort. Introduced a Jefferson School teacher, Mr. Kareem Thompson, and a student, Marissa DiChiaro, who asked to say a few words.

Mr. Thompson thanked the Town for the opportunity. Explained that he did not realize that the idea to make a difference for the community would evolve into something very unique and helpful. Stated that he is very proud of the students and that they were "relentless" in putting this initiative into motion. Also thanked the Mayor and Town Council for recognizing the students involved.

Mayor Brindle asked Mr. Thompson if he would be able to continue with the program.

Mr. Thompson stated that he would definitely continue the program with incoming students, which are being recruited by current student members, through a platform the students created. In addition, these students have volunteered to remain involved with the program, even as they move on to middle school and high school.

Councilman Contract discussed the initiative and explained that Jefferson School's principal, Dr. Hung, informed him that 19 rising fifth grade students already signed up to participate next year, which is more than double the number of students that participated this year. Feels these students should be a great inspiration to everyone in Town. Thanked Mr. Thomson and the Green Team for supporting the recycled food waste effort.

Marissa DiChiaro, Jefferson School student, discussed the origination of the Jefferson School Green Team and its food waste recycling effort. Discussed her involvement on the Green Team and the new friends she has made. Also discussed the Green Team's motto, "Stop Killing the Next Generation" and the task of going to each classroom in Jefferson School to educate students about food waste. Explained that this education process continued while everyone was under quarantine. Also discussed the recruitment of new members for next year. Stated that being a member of the Green Team was important to her and feels they had a supportive teacher, Mr. Thompson, that required that she and her fellow students "think outside the box". Also stated that she looks forward to the new Green Team members taking over next year. Also stated that her fellow Green Team member, Mahie Panjwani, would like to share her thoughts as well.

Councilman Contract thanked Marissa for her comments and asked that she share the names of her fellow Green Team members.

Ms. DiChiaro listed her fellow Green Team members as follows: Mahie Panjwani, Pedro Puchkarew, Neev Nedungadi, Owen Duffy, Niall Bidermann, Luke Jenner, Vivien Xu, Do Nascimento, and Mary Ann McCann.

Mahie Panjwani explained that the Green Team was inspired by Mr. Thompson's lessons on the environment and the need for current generations to save the environment for future generations.

Explained that the food waste recycling program was selected because food waste by students was part of the problem and was contributing to the amount of waste in landfills. The initiative involved placement of a food waste bin in the school and stated that prior to school being closed for COVID-19, the Green Team collected over 100 pounds of food waste per week to send to the food waste recycling facility to convert to renewable energy. Stated that students had also been learning about injustices and feels killing the environment is a huge injustice. Feels being a part of the Green Team has helped her to start “righting this wrong”. Through the Green Team, all students within Jefferson School were educated about food waste and hopes that the effort would continue as current Green Team members move on to a new school next year. Also feels being a part of the Green Team has helped these students to leave their mark on Jefferson School and to be the fifth-grade role models the school is always encouraging them to be. Also feels working with her fellow Green Team members gave her a sense of pride, knowing that she was part of the solution to help save the environment.

Mayor Brindle continued her remarks as follows:

- Announced that New Jersey’s primary election would be held on Tuesday, July 7, 2020. Explained that due to the pandemic, the election would be a primarily Vote by Mail election. Stated that Vote by Mail Ballots postmarked on or before Election Day, July 7, would be counted as long as they are received by July 14. In addition to returning ballots via regular mail, ballots could also be returned to one of the secure drop box locations in Union County, with the closest one located at the Fraser Building, 300 North Avenue in Westfield. Also stated that for those wishing to vote in-person with a paper provisional ballot, the polling locations are listed with additional details on the Town’s website at www.westfieldnj.gov/election;
- Reported that Mobile Meals of Westfield resumed its operations yesterday after a temporary COVID-related closure and is back to providing the valuable service of delivering meals to those in need. Those with questions about how to receive this service, or to volunteer, should email mobilemealswestfield@hotmail.com or call 908-233-6146. To donate, visit mobilemealsofwestfield.org;
- Extended her thanks to those who visited Memorial Pool since its opening on Saturday and announced that this month marks the 50th Anniversary of the facility. Informed residents that the Governor’s recent Executive Order allows the Town to open the spray features in the kids’ pool on Thursday, with the slides to follow shortly afterwards. After an initial expected rush, the new online reservations system is working well and ensures compliance with limited capacity requirements. Explained that like anything COVID-related, there is always an upfront adjustment period and some flexibility required and extended her gratitude to the Recreation Department for all of their hard work to ensure the pool is open on a fair and safe basis;
- Announced that playgrounds would open Town-wide on Thursday. Asked all residents to maintain proper distance and to wear a face covering (except for children under two) to protect each other;
- Discussed the Town’s decision to once again open Quimby Street this weekend for expanded outdoor dining and retail due to the Governor’s postponement of indoor dining. Given the holiday weekend, the street would close beginning Thursday afternoon.

Encouraged residents to continue to support downtown businesses who are working very hard to navigate this new normal;

- Reminded residents that enforcement of paid parking in municipal lots would resume on Monday, July 6. Free 15-minute street parking on bagged meters would continue to be offered downtown to facilitate curbside pickup at the request of local businesses. Explained that these spots are not meant for long term parking and would be ticketed when misused. Employees of downtown businesses should park in designated employee lots;
- Also reminded residents of the rising levels of COVID-19 in a number of states with far less restrictions than those experienced in New Jersey. Since many travel during the summer months, asked residents to be considerate of the community and to adhere to the quarantine guidelines set forth by the State. Also stated that she is receiving a number of messages from concerned residents about the lack of social distancing and face coverings downtown and stated that the virus still remains. Feels if everyone could continue to do their part by wearing face coverings, washing hands, and maintaining proper distance, the progress made could be maintained and built upon. Also feels knowing your COVID-19 status is critical to ensuring the community's health and encouraged anyone who might have been exposed to get tested and to visit covid19.nj.gov/testing for more information;
- Informed residents that there is a very full agenda tonight which includes the introduction of an ordinance allowing roof front facing solar panels under certain conditions, as well as a presentation of the redevelopment study of municipal parking lots. Phil Abramson and Chris Colley from the Town's redevelopment planning firm, Topology, would be making a presentation prior to the Town Council's vote on designation;
- Thanked the public for their engagement surrounding the proposed Historic Preservation ordinance. Addressed some misinformation that has been circulating on social media. To clarify, there are two main objectives of this proposed revision: First, to bring the Town's current historic preservation ordinance in compliance with State municipal land use law which currently leaves the Town subject to legal challenge. It also allows Westfield's Historic Preservation Commission to apply for Certified Local Government status and the state funding that comes with it; and, second, to ensure there is a fair review process in place for any proposed teardown of a historically significant property before it's too late. Residents have repeatedly asked the Town to take steps to preserve the historical character of neighborhoods and feels everyone benefits from the value they bring to Westfield. As she has previously stated, she is supportive of measured and appropriate new construction, and recognizes the importance of new homes to attract buyers who are looking for modern amenities and floor plans. However, believes most agree that the Town would be remiss to not review homes with historical significance before they are demolished. To clarify, explained that not all older homes are worth saving, and the vast majority would not meet the high threshold of designation under the criteria set forth at the federal and State levels. The process for historic designation could only be triggered in one of two ways: either the HPC has proactively identified a home of historical significance, or a demolition permit has been requested for a home and the historic preservation officer has flagged it as potentially worth saving. In either case, the home must meet the federal historic preservation eligibility requirements, and most do not. The notion that the Town would simply be able to unilaterally designate any historic home or district is simply untrue. The HPC would continue to work with property owners to

encourage voluntary designation, as they have successfully done recently. Discussed these recent designations and stated that in the last two years, with a renewed emphasis by her administration on historic preservation, the Town Council designated two properties with property owner consent, as well as Triangle Park and the Reeve House, both of which are located on Mountain Avenue. Stated that these represent the highest number of designations in the last 20 years. Explained that her administration would continue to prioritize historic preservation in a manner that is consistent with State law and the character of Westfield. Further explained that the Town Council would be re-introducing this ordinance tonight following an oversight in the last version that misstated the threshold year as 1924 (the correct year is 1930). Assured residents that this is just the beginning of the process of gathering input, which would continue next Monday when the ordinance is introduced to the Planning Board for input. In addition, an FAQ would be posted on the Town's website in advance of Monday's Planning Board meeting that incorporates all of the questions received to date.

Councilman LoGrippo requested that the Town Attorney confirm that the version of the ordinance provided to the Town Council is the correct version.

The Town Attorney stated that he is disappointed that Councilman LoGrippo did not read the ordinance provided during the last meeting because the 1924 date that was included might have been noticed.

Councilman LoGrippo requested clarification as to how the year 1930 was chosen as part of the ordinance for historic preservation regulations and feels the Mayor has confirmed that it is "okay" for the Town to designate a property as historic.

Mayor Brindle requested that discussion concerning the historic preservation ordinance be held until later in the meeting when the ordinance is introduced.

Councilwoman Habgood reminded councilmembers to be mindful of Robert's Rules of Order.

APPOINTMENTS

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2172

AN ORDINANCE AMENDING CHAPTER TWELVE OF THE TOWN CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO REGULATE THE HOURS DURING WHICH LOUD MECHANICAL EQUIPMENT MAY BE USED

Advertised returnable this evening.

The Town Attorney explained that comments that do not relate to the ordinance being heard, the Mayor would rule those comments out of order as the presiding officer.

Hearing no further comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2173

AN ORDINANCE AMENDING CHAPTER TWELVE OF THE TOWN CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, AS IT RELATES TO THE STORAGE AND DELIVERY OF PREMANUFACTURED (MODULAR) HOMES AND BUILDING COMPONENTS

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2174

AN ORDINANCE ESTABLISHING THE WESTFIELD MENTAL HEALTH COUNCIL FOR THE TOWN OF WESTFIELD

Advertised returnable this evening.

Mona Nicolae, 124 Marlboro Street, requested clarification concerning General Ordinance No. 2174. Discussed language in the ordinance which indicates that the Mental Health Council would determine mental health needs of the Town and questioned why this is being considered at this time. In addition, the ordinance indicates that the Mental Health Council would manage and establish policies and standards for the mental health support program and questioned the type of standards the Town would implement. Further, the ordinance indicates that the Mental Health Council would provide and promote policies to support mental health in the community and asked if that would mean that the Town intends to build hospitals. Lastly, referred to language which indicates that residents who are in need of mental health services are supported by their community and neighbors to seek treatment. Asked what this involves and how it would be funded.

Hearing no further comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2176

AN ORDINANCE ESTABLISHING GOVERNMENT ENERGY AGGREGATION PROGRAM

Advertised returnable this evening.

Mona Nicolae, 124 Marlboro Street, discussed an aggregation program that was done in California in the year 2000 in which California attempted to shift from large utility companies to a decentralized system, which resulted in rolling power outages and ballooning electricity costs. Discussed her understanding of the aggregation program and those who can participate. Expressed concern with the process and the potential for defragmentation with decision making. Lastly, asked who would be the provider of last resort in these programs. Expressed concern that residents would be left without energy service if the aggregation fails.

Councilman LoGrippe discussed his previous employment with the State of New Jersey's Clean Energy Program and stated that he has experience with energy aggregation. Explained that all residents would automatically be enrolled in the program and would be required to opt-out if they

choose to remain with their current energy provider. Also explained that the vendor that is chosen would educate residents on the program. Feels there are benefits to energy aggregation programs, but he does not support the opt-out aspect of it. Believes it should be an opt-in process instead. Also stated that he reviewed rates today for 100% renewable energy versus current PSE&G market rates and there is a 1% difference, but that would fluctuate when it goes out to market.

Ms. Nicolae stated that it might be a 1% difference today, and the differences in rates were also very close when California began an aggregation process.

Councilman Contract explained that the Energy Aggregation Program is a recommendation of the Green Team, for which he is the liaison. Stated that General Ordinance No. 2176 allows the Town to solicit proposals from advisors who would research the program and determine if it would be beneficial to Westfield. The Town Council is not voting to participate in the program at this time. Informed Ms. Nicolae that over 100 municipalities in New Jersey have moved forward with an Energy Aggregation Program and there have been no rolling blackouts or cost increases. Stated that the situation in California occurred 20 years ago and believes it is not relevant to New Jersey's program. Also mentioned that an opt-in program that was mentioned by Councilman LoGrippe does not exist in New Jersey. The State moved to an opt-out program for the ease of implementation and explained that the purpose for exploring an Energy Aggregation Program is to save residents money on electricity costs. Nearby municipalities that participate in these programs have saved 5%-10% on energy bills and it also provides a significant increase in municipal energy. Stated that PSE&G typically provides 20%-25% renewable energy and believes the Town could get the electrical supply up to 75% to 100% renewable energy, which is not only beneficial to the environment but saves residents money. Also stated that the Town would not move forward with the program if there is no cost savings to residents.

Ms. Nicolae asked if the cost savings would be short-term or long-term and asked that her question concerning the provider of last resort be addressed.

Councilman Contract reiterated his previous comment that over 100 municipalities participate in this program and none have been left without power. Further stated that PSE&G would always remain the provider of last resort. In addition, a typical contract with a provider lasts for 18 months and then they go out for bid. As such, it is not a program that will "last forever". The goal is to take advantage of the opportunity to save residents money on energy costs and he believes it is both a lofty and worthwhile goal.

Ms. Nicolae stated that PSE&G is not the provider of last resort for many municipalities in New Jersey or in other states and that Councilman Contract is not correct. Also requested clarification as to the opt-out option and stated that it is not as easy as Councilman Contract suggests. Residents that opt out are required to pay a fee, which can be as high as \$3 million, because the Town would not be buying electricity for 2 years, but for 20 years.

Councilman Contract stated that Ms. Nicolae is not correct and that the opt out process is done online and simply involves providing a name and address and choosing "opt out". Stated that he is uncertain as to the multi-million dollar fee mentioned by Ms. Nicolae but that it does not apply in the State of New Jersey. Reiterated his previous statement that the vote on the ordinance allows

the Town to begin the RFP process to hire an advisor to guide the process. If the advisor recommends that the Town participate in the program, there would be opportunity for public input before the program is implemented. Lastly, stated that it is not factually correct that there would be a \$3 million fee to the Town or for any resident to opt out.

Councilman LoGrippe stated that most of Councilman Contract's explanation of the program is correct however the savings to residents is minimal and is not hundreds of dollars as Councilman Contract had indicated. The savings would depend upon the rates at the time of the bid process. Also reiterated the fact that New Jersey does not have an opt-in program, which he prefers.

Councilman Contract stated that the savings depends upon a resident's electricity bills and that his cost averages \$250 to \$300 per month. A 10% reduction in the cost would total hundreds of dollars over the course of 12 months.

Mayor Brindle stated that the Town Council is not voting to join the program, but to solicit proposals from advisors to determine if it would be beneficial to Westfield. Suggested that Ms. Nicolae engage with Councilman Contract as proposals are evaluated if she continues to have concerns.

Ms. Nicolae stated that different plans that include renewable energy are offered by large providers, such as PSE&G, and she does not understand why the Town would include another agency at a cost to taxpayers.

Michael Blancato, 18 Carol Road, requested clarification as to the cost related to an advisor. Stated that several advisors have been hired over the past 3 years and feels the Town should be trying to save money. Also referred to Councilman LoGrippe's comments and the fact that energy costs fluctuate, stating that at this point, energy costs are very low and have been for the past 18 months.

Councilman Contract explained that there is no cost to the municipality to hire an advisor and that the advisor is paid a fee through the negotiated energy cost that is typically less than .01%. Also assured Mr. Blancato that the Town would not move forward with the program if there is no cost savings to residents. Further stated that Livingston Township participated in this program 18 months ago and residents saved 5% to 10% on their energy bills. Feels it is very possible that Westfield could realize that savings as well. In addition, discussed the fluctuation in energy rates and explained that an advisor would guide the Town through the process and go out to bid when the environment is favorable.

Mr. Blancato requested that PSE&G be contacted by the advisor when the Town is ready to bid for energy costs. Feels PSE&G should have a fair opportunity to participate in the process.

Councilman Contract feels PSE&G would be welcome to participate in the bid process like other electrical suppliers.

Mr. Blancato explained that he is suggesting that PSE&G provide the Town with a presentation of their company during the final phase of process, even if they do not submit a bid. Feels they are more to the community than just a wholesaler.

Councilman Contract asked Mr. Blancato to provide him with a contact at PSE&G and he would be agreeable to speaking them.

Councilman LoGrippto discussed his experience with these programs and feels that they begin to unravel when residents begin to opt out.

Steve McCabe, 409 Washington Street, requested clarification of Councilman Contract's comment concerning the manner in which the advisor is paid and asked if the vendor would be connected to the energy provider.

Councilman Contract explained that there are companies that specialize in Energy Aggregation Programs but they are not electrical suppliers. They are independent and help municipalities obtain favorable rates for their residents. Councilman Contract once again reiterated his previous statement that the Town would not participate in the program if there is no cost savings to residents.

Councilman LoGrippto explained that the advisor is a third party that is paid through a portion of the savings negotiated for energy costs.

Mr. McCabe thanked Councilman LoGrippto for his service to Ward 3 residents. Stated that he has been an attorney for 50 years and early in his career he litigated a ratepayers' hearing and proposal through the New Jersey Board of Public Utilities. Stated that he disagrees with Councilman Contract's comment that the program in California is not relevant because it was 20 years ago. Also feels the advisor has a conflict of interest because he earns his living through this program.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2172 - AN ORDINANCE AMENDING CHAPTER TWELVE OF THE TOWN CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO REGULATE THE HOURS DURING WHICH LOUD MECHANICAL EQUIPMENT MAY BE USED." by Councilwoman Mackey, seconded by Councilman LoGrippto, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Parmelee

LoGrippto

Katz

Mackey

Contract

Dardia

Boyes

Mayor Brindle

Nays:

Absent:

An ordinance entitled, "GENERAL ORDINANCE NO. 2173 - AN ORDINANCE AMENDING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, AS IT RELATES TO THE STORAGE AND DELIVERY OF PREMANUFACTURED (MODULAR) HOMES AND BUILDING COMPONENTS." by Councilwoman Mackey, seconded by Councilwoman Habgood, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Parmelee		
LoGrippe		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

An ordinance entitled, "GENERAL ORDINANCE NO. 2174 - AN ORDINANCE ESTABLISHING THE WESTFIELD MENTAL HEALTH COUNCIL FOR THE TOWN OF WESTFIELD." by Councilwoman Mackey, seconded by Councilman LoGrippe, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Parmelee		
LoGrippe		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

An ordinance entitled, “GENERAL ORDINANCE NO. 2176 - AN ORDINANCE ESTABLISHING GOVERNMENT ENERGY AGGREGATION PROGRAM.” by Councilwoman Mackey, seconded by Councilman Dardia, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: LoGrippe	Absent:
Parmelee		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

BIDS

**TOWN OF WESTFIELD
INVITATION TO BID
WEDNESDAY, June 24, 2020
2020 North Chestnut**

Bidder

Amount of Bid

P&A Contracting	\$245,705.00
P.O. Box 28	
Colonia, NJ 07067	
PM Construction Corp	\$246,350.00
1310 Central Avenue	
Hillside, NJ 07205	
Top Line	\$274,941.65
22 Fifth Street	
Somerville, NJ 08876	
JA Alexander	\$236,961.00
130 John F. Kennedy Drive North	
Bloomfield, NJ 07003	
Black Rock Enterprises LLC	\$267,040.00
1316 Englishtown Road	
Old Bridge, NJ 08857	
Stilo Excavation	\$263,520.00

2907 South Clinton Avenue	
South Plainfield, NJ 07080	
YW Construction	\$271,078.00
404 Coit Street	
Irvington, NJ 07111	
ADG Contracting Corp.	\$295,150.00
386 South Street, Suite 169	
Newark, NJ 07105	
American Asphalt & Milling Services LLC	\$242,248.00
96 Midland Avenue	
Kearny, NJ 07032	
Fischer Contracting	\$200,088.75
10 Short Hills Court	
Scotch Plains, NJ 07076	
Carroccia	\$235,027.50
336 US-22	
Green Brook Township, NJ 08812	
Capital Paving and Contracting	\$248,346.00
1225 Route 31 South	
Bldg. A, Suite 124	
Lebanon, NJ 08833	
DLS Contracting, Inc.	\$261,200.00
36 Montesano Road	
Fairfield, NJ 07004	

MINUTES

On a motion by Councilman LoGrippo and seconded by Councilman Boyes, Council approved the Minutes of the Town Council Regular Meeting held June 9, 2020.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Frank Arena, 701 Coleman Place, asked the Mayor and Town Council to lead a movement to paint a Blue Line in support of the Westfield Police Department and all Westfield First

Responders for the tremendous efforts they put forth during the COVID-19 crisis. Explained that while many people now have the opportunity to work from home, these men and women do not. Explained that Westfield is a special town in many ways and feels many other towns throughout the country look to Westfield for a vision. Discussed Westfield 300 and the celebration of the Town's 300th Anniversary. Mr. Arena feels the people of Westfield have never in its 300-year history been in harm's way more than they are now and is glad that the Westfield Police Department and other first responders are here to protect residents. Feels painting a blue line, possibly on Park Drive in Mindowaskin Park, would be a symbolic way to show appreciation and stated that he has received emails and notes from other residents who support this suggestion.

Mayor Brindle stated that she completely shares Mr. Arena's sentiment and commended the efforts of the Police Chief and Fire Chief, as well as the Town's Regional Health Officer. Discussed COVID-19 service medals issued by the Police Chief today. Feels the community's appreciation and support throughout the pandemic was incredibly well documented, such as the gratitude expressed through meals and public support. Stated that she is not certain that a blue line is the right way to acknowledge their efforts, but that she would discuss it with the Police Chief to identify a way to properly acknowledge the efforts of first responders.

Mr. Arena asked the Mayor and Town Council to consider his suggestion. Feels it would be a great way to acknowledge the Police Department and would also set Westfield apart from other municipalities. Believes the Police Chief would not ask for this acknowledgment and that it should come from the elected officials. Feels it is a difficult time for police officers and the Town should go above and beyond to show its support.

Mayor Brindle stated that while she shares Mr. Arena's sentiment, other first responders such as EMS and the Fire Department, as well as the Regional Health Department did not have the opportunity to work from home, and the Regional Health Department has had to endure very difficult behavior from some citizens. Feels there was a significant sacrifice on the part of many employees and believes there should be public recognition for all that have done so much to ensure that Westfield's residents were safe during the pandemic.

Bill West, 663 Summit Avenue, thanked the Mayor and Town Council for their volunteerism. Discussed the resolution to designate municipal parking lots as areas in need of redevelopment and expressed his concern with language that was included in the preliminary investigation report, specifically language which indicates that the parking lots are blighted properties. Explained that he supported the designation of the Sevell property, as well as the properties across the street from Sevell's, which he believes qualify as blighted and are in need of redevelopment. However, he does not believe the Town's surface parking lots fall into that category, stating that the lot located on Central and North Avenues were recently improved. Also does not agree that these parking lots are obsolete or a safety hazard, as indicated in the study. Also referenced case law from Princeton Township that was included in the report and stated that the case in Princeton only involved the designation of one parking lot as opposed to multiple parking lots being considered for designation in Westfield. Mr. West suggested the Town Council either table the resolution or vote against it, as he feels it should be reexamined.

Councilman LoGrippo believes the designation includes 8 municipal parking lots and would include PILOT programs.

Mayor Brindle thanked Mr. West for his comments and encouraged him to listen to the presentation scheduled later this evening by representatives from Topology, who conducted the preliminary investigation study of the downtown parking lots. Feels the presentation would clarify why the study included the case law from Princeton, and that blight is not the only qualifying factor, but a designation could also apply if the property could be a contributor to economic development.

Mr. West stated he would listen to the presentation however he feels that, regardless of the presentation, the content of the report would not be revised, and expressed concerns with aspects of the report that indicate that these properties are dilapidated and unsafe.

Kelly Kessler, 424 Hillside Avenue, discussed the re-introduction of the historic preservation ordinance. Stated that she has been on the Historic Preservation Commission for approximately 15 years and one of the Historic Preservation Commission's goals was to become a Certified Local Government (CLG). Feels that one of the reasons why Westfield is so special is due to the old historic homes and neighborhoods. Mentioned that there are 47 municipalities within the State of New Jersey that are CLG's, including Maplewood, Millburn, Montclair, Tewksbury, Princeton, and Freehold. In addition, these municipalities are all compliant with State land use law, and they all have the same designation process that Westfield is proposing through this ordinance.

Councilman LoGrippo mentioned that there are over 500 municipalities in the State of New Jersey. Also discussed Ms. Kessler's past efforts with historic preservation, including on Stoneleigh Park and Walnut Street, and asked Ms. Kessler what has changed.

Ms. Kessler explained that the Historic Preservation Commission has wanted to obtain status as a Local Certified Government for approximately 13 years. Also explained that the Historic Preservation Commission has tried to make historic preservation a more user-friendly process and discussed the removal of exterior color paint requirements as an example.

Councilman LoGrippo stated that the way the ordinance is written, the Town has the authority to designate a home or a district as historic.

Mayor Brindle reminded all, in the interest of time, that this portion of the meeting is for public comment, not dialog.

Ms. Kessler explained that the proposed ordinance would bring the Town into compliance with State law and feels the misinformation and fearmongering concerning this ordinance is unfair. Expressed her support of the proposed ordinance stating that it is necessary in order to comply with State land use laws.

Todd Oberstein, 558 Boulevard, thanked councilmembers for their service. Requested clarification as to the proposal for bicycle lanes.

The Town Administrator stated that Councilman Dardia would be providing an update concerning a recommendation for a demonstration bicycle lane later in the meeting, but Mr. Oberstein could provide his thoughts and comments now.

Mr. Oberstein stated that he does not see the need for bicycle lanes on Boulevard because it is a wide road. Also stated that he has not seen data supporting the need for bike lanes and while he encourages bike riding, he feels bike lanes on Boulevard would take away from the historic nature of that street and could potentially impact parking, thereby creating a quality of life issue. Also believes there are alternate options on through streets for people interested in biking to get from one side of town to the other.

Councilman LoGrippe asked the Town Administrator if the bikes lanes would be on both sides of the street.

The Town Administrator explained that the proposal for Boulevard and Summit Avenue includes bike lanes on one side of the street to and from the train station, which was included in the Bicycle and Pedestrian Plan prepared last year by WSP, but would be discussed further by Councilman Dardia.

Councilman LoGrippe asked what type of outreach to residents, such as Mr. Oberstein, was conducted.

The Town Administrator explained that no outreach has been done at this point because it is a recommendation coming from the Public Safety, Transportation and Parking Committee tonight. Assuming the Town Council approves the implementation of demonstration bicycle lanes, then there would be public outreach.

Councilman LoGrippe asked if Mr. Oberstein would have difficulty parking in front of his home.

Mayor Brindle asked that further comments by Councilmembers be held until Councilman Dardia's presentation later this evening.

Margaret Roeck, 618 East Broad Street, commended Mayor Brindle and the Town Council for the proposed historic preservation ordinance, stating that this is the first step in addressing overdevelopment in Westfield. Believes that due to the pandemic, density has been somewhat of a "cause celebre" and feels a good next step would be addressing the subdivision of properties and the increase in the building of townhomes, condos and apartment buildings. Discussed the impact an increase in density would have to the school district, stating that an increase of 10% in population might result in a potential increase of 10,000 students to the school system. Also stated that educators are already overburdened with efforts to meet CDC guidelines. Believes the health and wellbeing of school children are a priority and increasing the number of students in the school system would not be prudent, especially with the uncertainty of the post pandemic world.

Councilman LoGrippe asked what year Ms. Roeck's home was built.

Margaret Roeck stated it was built in 1927

Councilman LoGrippo asked Ms. Roeck if she has considered historic designation of her home.

Ms. Roeck stated she has not looked into historic designation, but her main focus is density, the overdevelopment of Westfield and the health and wellbeing of school children.

Councilman LoGrippo asked if Ms. Roeck how she would feel if the Town declared her home as a historic landmark.

Mayor Brindle asked Councilman LoGrippo to follow the rules of the meeting and feels he is making statements that cannot be verified.

Ms. Roeck reiterated her previous comment and stated that she feels the historic preservation ordinance is a good first step, but the next step should be addressing overdevelopment. Feels density is a concern, especially during a pandemic.

Shawn Mullen, 763 Carleton Road, thanked the Mayor and councilmembers for their service to the Town. Referred to the resolution that would authorize the designation of Town parking lots as an area in need of redevelopment. Discussed the preliminary investigation report and the fact that it cites a few businesses and areas downtown which are focused on the parking needs and availability. Explained that he would like to know if any of those businesses or vacancies were due to poor parking conditions in the Town or lack of available parking and asked that these questions be addressed during the presentation by Topology. Stated that while he appreciates the work and professionalism by Topology, he is not in favor of the resolution.

Additionally, Mr. Mullen discussed a Letter to the Editor on Tap Into by Mayor Brindle's former campaign manager. Stated that it was an inflammatory post regarding Republicans. Feels it is important for the Mayor to address these comments.

Mayor Brindle stated that she did not see the letter but feels everyone has their own right to their opinions and that she is not in any position to stem anyone's freedom of speech but appreciates Mr. Mullen's concern.

Mr. Mullen feels it is important for Mayor Brindle to distance herself from these types of things.

Cornelius Cody, 337 First Street, expressed his appreciation to the Fire Chief and Police Chief for their service along with all first responders. Explained that he is a former first responder/fire fighter and has a great deal of gratitude for the work that they do. Also thanked the Westfield Police Department and DPW for their involvement and support for the painting of the crosswalks in celebration of Pride Month, and in recognition of COVID-19, in lieu of hanging the Pride flag. Stated that when he was growing up, he was called derogatory names daily. Feels it is amazing to see the strides that have been made in this country and that it is an indescribable feeling to see towns outwardly supporting those in the LGBT community. Thanked the Town for its outpouring of love and support, as well as the high school students, DPW and the Police Department for their involvement with the project.

Michael Blancato, 18 Carol Road, stated that he grew up on Summit Avenue between the Train Station and Park Street, and while it was a great street to grow up on, there is a lot of traffic and

parked cars there now. Believes a bike lane in that area would negatively impact the current parking situation.

Secondly, Mr. Blancato expressed concern with density but believes the historic preservation ordinance is an “overreach” to control density. Explained that he owns a house that was built pre-1900. It is not a historical house and he is concerned that he would be required to pay additional fees if he were to decide to demolish it at some point to build a more efficient house. Feels there are collateral issues associated with this ordinance that would decrease the value of certain homes.

Walter Korfmacher, 252 Hazel Avenue, discussed his support for the newly revised solar panel ordinance which would allow for street facing solar panels, without a variance, provided certain aesthetic criteria and the required SPR value specification are met.

Mr. Korfmacher also discussed his support for the resolution authorizing a contract for a municipal solar advisor to evaluate Town properties for opportunities for solar panels on municipal rooftops or in parking lots. Explained that, as a scientist, he is keenly aware of the short timeframe available to reduce the effects of climate change on the planet and that solar power is just one part of the solution. Feels it is important for individuals to add to their own homes and for local governments to add to their towns without waiting for the state or national government to act. Also stated that he hopes that Westfield would be an example as to how to be a green town and that he fully supports renewable energy efforts, including solar power and electric vehicles.

Robert Pinheiro, 228 Grove Street, discussed the historic preservation ordinance and believes it does not include an appeal process for property owners who wish to demolish a historically designated home. Referred to the Certified Local Government Program that the Town is interested in and stated that a provision must exist that allows the opportunity to appeal decisions made by the Historic Preservation Commission. Also stated that his house was built prior to 1930 and if he wanted to sell it, the potential buyer would have an interest in knowing, prior to the sale, if the property might be considered historical. Asked if there has been any consideration given to a provision that would allow the homeowner to obtain a pre-determination as to whether their house has any historical significance, and if the house is found not to be historically significant, then a certification confirming that should be issued. Feels the Town has an interest in discouraging tear downs in general, whether the home is historical or not. Asked if it were possible, given the various grants that are available, to provide an incentive to homeowners to renovate their home as opposed to demolishing it or selling it to a developer.

The Town Attorney stated that there is an appeal process set forth in Section 9 of the proposed ordinance.

The Town Planner explained that an appeal of action taken by the Historic Preservation Commission are heard by the Zoning Board of Adjustment. As to the demolition provision within the ordinance, explained that an assessment would be conducted by a Historic Preservation Officer, who would be assigned to reviewing applications for demolition permits.

That assessment would include a preliminary determination as to whether the property is historically significant.

Councilman LoGrippe stated that this determination is made by an individual who is not an elected official, but an appointee.

The Town Planner confirmed that the Historic Preservation Commission members are appointed.

Mayor Brindle added that Historic Preservation Commission members are appointed by elected officials, just like members of the Zoning Board of Adjustment and the Planning Board. Also explained that the Historic Preservation Commission members do not have the authority to designate a home as historical, they can only make a recommendation or provide guidance. The vote to designate a home as historical is done by the Town Council.

Mr. Pinheiro requested additional clarification as to the appeal process mentioned by the Town Attorney.

The Town Attorney explained that Section 9 within the ordinance outlines certain appeal processes with respect to approval or denial of a Certificate of Appropriateness.

Mr. Pinheiro stated that the appeal process he is referring to pertains to demolition permits and whether there is a provision allowing for an appeal if a demolition permit is denied because the house has been designated as historically significant. Feels such a provision is required in order for the Town to become a Certified Local Government.

The Town Attorney stated that this ordinance has been vetted by the State Historic Preservation Office.

Mayor Brindle stated that Mr. Pinheiro's question would be incorporated into the FAQ document with a very specific answer.

Councilman LoGrippe mentioned that the Town of Morristown provides those who purchase a home that is 100 years old or older with a 5-year tax rebate.

Mayor Brindle stated that the process described by Councilman LoGrippe is very similar to the tax rebate provided to property owners who are within an area designated as an area in need of rehabilitation. It provides an incentive for property owners to renovate their properties.

Robert Davis, 764 Boulevard, stated that he understands the importance and concern of retaining the historic nature of the Town, however he does not agree with the provision that allows the Town to single-handedly and subjectively designate individual homes or districts as historic. Discussed the portion of Boulevard, from Park to Grove Street, that has a historic sign posted, and feels that is an area most likely being considered as a historic district. Also referred to comments concerning Westfield becoming a Certified Local Government and requested clarification as to whether the provision that authorizes the Town to designate homes and districts is necessary. Feels an open dialogue with the residents or the neighborhood would be a better process. Stated that he appreciates Mayor Brindle's comment regarding an incentive for people to renovate their homes, but he has researched this topic and it is not clear whether

historic designations positively or negatively impact property values. Lastly, requested clarification as to how this ordinance might impact property owners with pending applications for home improvements.

Mayor Brindle feels Mr. Davis' comments might be related to the misinformation that has circulated concerning this ordinance. Explained that the Town cannot arbitrarily designate someone's home as historic. There is a very specific and high threshold that must be met in order for a home to be designated as historic. Also confirmed that this process is required in order for the Town to become a Certified Local Government because only the governing body and Planning Board members have zoning authority, and a historic designation is a zoning overlay. While this language is required in the ordinance in order for the Town to be in compliance with State land use law, she anticipates that the Town would continue past practice by collaborating and working with property owners on historic designations. Discussed the recent designation of 4 properties as historically significant and feels those designations really speak to the collaboration process that has occurred.

Councilman LoGrippe requested clarification as to the year 1930 being the benchmark for demolitions and stated that that language is not mentioned in State land use law.

Councilwoman Mackey stated that the year 1930 was discussed at the last Town Council meeting as well as during Code Review and Town Property meetings. The year 1930 was selected because it was felt that homes prior to that year were more likely to have historical significance and that the year 1930 could be evaluated as time goes on.

Councilman Katz agreed with Councilwoman Mackey as to the discussion that occurred concerning this issue.

Mayor Brindle asked councilmembers to refrain from a dialog because this portion of the meeting is reserved for public comment.

Mr. Davis also discussed density issues and feels that could be solved with stricter adherence to subdivisions.

Lastly, Mr. Davis feels the proposed bicycle lane would impact traffic and parking. Also stated that there is a speeding issue along Boulevard.

The Town Attorney feels it is important for all to understand that the historic preservation ordinance was originally adopted in 1984. At that time, the ordinance allowed for a historic district to be created provided that 75% of the homeowners within the district were in favor of the designation. As such, there has always been a process whereby a home could be included in a historic district even if a homeowner was against it. Discussed the designation of the Kimball Avenue Historic District and stated that there was one homeowner opposed to it, but 11 were in favor, and the district was ultimately designated by a vote of the Town Council. Feels the Town is open to challenge because it has an ordinance that is not in compliance with State law.

Councilman LoGrippe asked the Town Attorney to confirm if it is possible for the Town to designate a home as historic without the homeowner's consent, pursuant to this ordinance.

The Town Attorney stated that the ordinance has been discussed in committee for over a year and a half and that Councilman LoGrippe should be aware of the terms.

Mayor Brindle stated that she is invoking her authority as Mayor and asked that no further dialog be held.

Bruce Henderson, 527 Boulevard, reiterated Councilman LoGrippe's question and asked if the Town could declare a home as historic without a homeowner's consent.

The Town Attorney explained that the Town currently has the authority to do that under its existing ordinance, State Municipal Land Use Law gives that power to municipalities, and the ordinance that has been proposed allows for that to happen as well.

Mr. Henderson stated that the Town Attorney did not answer his question. Feels it is a "yes or no" question.

Mayor Brindle explained that the answer to his question depends upon whether Mr. Henderson's home meets the criteria for historic designation.

Mr. Henderson stated that his home was built in 1870 and he feels there is a good chance that the Town would deem it as historic.

Mayor Brindle explained that age is not the only qualifier and there is significant criteria that must be met.

Mr. Henderson asked if his home did meet that criteria, could the Town designate his home without his consent.

Mayor Brindle stated that the Town has the authority to do that under the Municipal Land Use Law.

Mr. Henderson asked if his home were to be designated as historic, would there be restrictions to exterior renovations.

The Town Attorney explained that other than removing the exterior paint color requirements, there were no other changes to the current ordinance. As such, if a resident owns a designated home or lives within a designated district, approval for renovations that can be seen from the streetscape must be granted by the Historic Preservation Commission. Also stated that regulations currently exist, even for homes that are not deemed to be historic and referred to the sections of the code which contain those regulations.

Mr. Henderson requested clarification of the regulations referenced by the Town Attorney. Feels that while there are requirements for all homes, the requirements for historic homes differ from the requirements for non-historic homes.

Mayor Brindle explained to Mr. Henderson that this portion of the meeting is for public comment and not dialog, but that his questions would be noted.

Mr. Henderson feels that the Town does not have the right to dictate the types of changes that a homeowner could make to his/her home. Feels his rights as a homeowner are being attacked.

Asked if residents who have their homes declared as historic without their consent would be entitled to tax relief, or if that benefit was only provided to downtown property owners.

Mayor Brindle stated that this is not a question and answer session, but that Mr. Henderson's comments would be duly noted.

Robert Wendel, 704 Lenox Avenue, stated that he was instrumental in helping to create the revised ordinance, which was done for the purposes of protecting the Town, its history, and architecture. In addition, it was primarily revised to ensure that the Town is compliant with the Municipal Land Use Law of the state of New Jersey. Explained that the law does provide the Town Council with the right to designate properties accordingly, but it would be done cooperatively with homeowners. The Historic Preservation Commission is hoping this would be a cooperative process, not a reactionary one as a result of a great deal of misinformation. Feels It is important for everyone to understand the designation process and the Historic Preservation Commission would be willing to discuss and explain the designation process for those that are eligible and interested in pursuing designation for an individual home as well as for a district. Stated that some residents have designated their homes to ensure that they are saved for future generations. Explained that the process includes several "fail safes" and allows for a rebuttal process and a petition process for those who disagree with a designation. Also explained that it is easier under the new ordinance to disagree with a designation by filing a petition of disagreement. In addition, the proposed ordinance has lower fees and provides a more streamlined process for designation and cooperation/coordination for those that are interested in pursuing designation. Mr. Wendel feels it is unfortunate that this ordinance has become politicized. Believes this needs to stop and the focus should be on what the Historic Preservation Commission is trying to accomplish, and how they intend to work cooperatively to address the destruction of historic homes in Westfield.

Steve McCabe, 409 Washington Street, feels most do not seem to be objecting to historic preservation or to what he considers to be the "blight" of Westfield, which is demolitions. Stated that Mayor Brindle, the Town Attorney, Robert Wendel and Kelly Kessler have all indicated that the Town's current ordinance is not in compliance with State Law. Requested clarification as to how the Town is out of compliance and how the proposed ordinance would resolve that issue.

The Town Planner explained that there are two issues which are being addressed in the proposed ordinance. One is the referral of site plans of subdivision and variances applications which go before the Planning or Zoning Board. The Municipal Land Use Law states that subdivisions, site plans, variance and development applications that go before the boards and are located within historic districts or identified as historic sites as listed in the historic preservation element of the Master Plan be referred to the Historic Preservation Commission for review and comment. The Town's current ordinance only provides for referral of applications for designated properties to refer to the Historic Preservation Commission for review and comment. Therefore, the current ordinance is out of compliance in that it does not provide for all the referrals necessary in the Municipal Land Use Law. The second issue is that the Town is noncompliant when it comes to the property owner's consent for designations which is essentially a zoning by referendum and is prohibited specifically by the Municipal Land Use Law.

The Town Attorney stated that N.J.S.A. 40:55D-62b states that no zoning ordinance and no amendment or revision to any zoning ordinance shall be submitted to or adopted by initiative or referendum. Secondly, N.J.S.A.55D-65.1 makes it clear that by adoption of a zoning ordinance designating one or more historic sites or districts must be by an affirmative vote of a majority of its authorized membership. Therefore, a historic designation is in a sense a zoning overlay or a zoning amendment and no zoning in the Town of Westfield or any other municipality can be done by referendum or by approval of residents in any particular zone or the Town as a whole.

Mr. McCabe stated that if he understands the Town Attorney and the Town Planner correctly, then the two reasons the Town is out of compliance is due to its current referral process and because it allows residents to have authority on whether or not a district or home is designated as historic, which is illegal under state law.

The Town Planner explained that the Municipal Land Use Law requires the referral of all development applications before the board, which are for properties identified in the historic preservation element of the Master Plan. It is required that these development applications be forwarded to the Historic Preservation Commission for review and comment. The Town's current ordinance does not include this provision and states that only locally historically designated properties be referred to the Historic Preservation Commission for review and comment. As such, there is an inconsistency in the Town's ordinance language which was noticed by the State Certified Local Government Coordinator. This needs to be corrected if the Town hopes to obtain Certified Local Government status.

Councilman LoGrippe stated that other municipalities do not have provisions in their ordinances with respect to homes built prior to 1930 being deemed historic.

The Town Planner explained that the 1930 date relates to the filing of demolition permit applications. That date does not constitute what makes a home historic.

Mr. McCabe feels his house would be covered by this ordinance even though it is a small, "run of the mill" house that someone would most likely want to demolish. Requested clarification as to the percentage of homes in the Town that would be covered by this ordinance.

Councilman LoGrippe stated that one-third of Westfield homes would be covered by this ordinance.

Deirdre Gelinne, 131 North Euclid Avenue, expressed her support for the historic preservation ordinance. Stated that her and her husband moved to Westfield over 20 years ago due its historic character. Stated that she has been concerned over the number of historic homes being demolished over the past few years. Also believes if there was some sort of incentive making it easier for homeowners to maintain their historic home, they might be less inclined to sell it to a developer who would tear it down. Feels the Town should do anything it can to maintain the historic character of Westfield.

Jacqueline Brevard, 266 West Dudley Avenue, expressed her gratitude to the Mayor and Town Council for their service. Stated that she has been a resident of Westfield for over 35 years and that the house she grew up in in Massachusetts is a mirror image of her house in Westfield. Also mentioned that her home was built in 1902. Expressed her support for the historic preservation ordinance. Feels those who wish to demolish a historic home rather than preserve it should not purchase a historic home. Stated that her block includes colonial and Victorian homes which the neighbors would like to preserve and that she is currently speaking with her neighbors about designating their block as historic.

Mayor Brindle thanked Ms. Brevard for her commitment to historic preservation.

John Spitz, 721 Dorian Road, discussed two stroke engine leaf blowers and requested that the Mayor and Town Council have an open discussion about the use of leaf blowers. Discussed a previous Town Council meeting he attended in which he requested that regulations concerning leaf blowers be considered. At that time, the Town Attorney raised issues concerning lawsuits that were filed in Maplewood related to this matter. Stated that he understands that this might be a reason not to implement any regulations but feels that some discussion could still be held. Also feels there are enough residents invested in this issue, due to the dangers associated with leaf blowers, and with so many children outside. Requested that the Town Council schedule discussion on this issue within the next 6 to 9 months.

Councilman Contract thanked Mr. Spitz for his help with the Green Team and stated that the Green Team, as well as Councilwoman Mackey, Chairwoman of the Code Review & Town Property Committee, have had ongoing conversations about two stoke engine leaf blowers.

John Blake, 809 Carleton Road, stated that he supports the aim of the historic preservation ordinance in order to stop demolitions however he has an issue with the enforcement. Stated there have been other enforcement of ordinances which resulted in the requests of the Mayor and Town Council becoming mandates for the employees enforcing them. Discussed the Town's ordinance allowing for dining on sidewalks. Stated that he had a conversation with the employee in charge of enforcement of the ordinance who advised him that unless an ordinance specifically states that something is allowed, then it is not permitted. Explained that the legal code of the United States is the opposite, meaning if there is no specific ban on an activity, then the activity is allowed. Feels there is a difference in the intent of the individuals passing the ordinance versus how the regulations are carried out through enforcement. Also feels there is a large range of allowances within these ordinances which could result in a great deal of litigation.

Mr. Blake also referred to Councilman Arena's comments and agreed that the Westfield Police Department should be recognized. Stated that Police Departments around the country are being given a "bad name" due to the actions of one individual. Discussed the idea of bigotry and impropriety in logic by attributing the actions of one person to every person. Discussed the praise given to the Police Chief, the Police Department, the Fire Department, and EMS but suggested there be some outward showing of support. Feels a line attributed to each unit of first responders should be painted down the middle of Broad Street for the July 4th celebrations. Believes if the Town could support Pride Month then the Town should support its first responders. Feels the

majority of Westfield residents support first responders and that the Town should acknowledge that support. Also feels Mayor Brindle evaded Mr. Arena's request and that she should indicate her support for his request as she did for Pride Month.

Sherry Hines, 28 Stoneleigh Park, stated that she applauds the Town Council for wanting to preserve the historic nature of the Town, however she does not agree with the process in which the homeowner would need to "plead" his/her case to the Town Council if he/she is opposed to the historic designation. Supports those who pursue historic designation but feels the designation should only be provided with the homeowner's consent. Also discussed multi-dwelling mixed use development with for rent units and stated that these buildings have been built with no historic character. Feels homeowners are being penalized while developers are permitted to demolish existing homes and replace them with high density rental units. Also discussed the impact this development has on the school system. Discussed the development occurring in Garwood and Cranford and expressed concern with similar development occurring in Westfield. Feels this type of development does not help the historic designation of a town. Feels more needs to be done to reduce the burden to homeowners. Discussed subdivisions and feels there should be an ordinance to address them.

Mayor Brindle thanked Ms. Hines for her comments and explained that a large reason for the density in Town is a result of the affordable housing agreement approved by the previous administration, which is New Jersey State Law. Mayor Brindle also provided clarification on what she believes to be a misperception concerning the impact of development to the school system and stated that data has proven that apartments have minimal impact on schools. It was explained to her by the Board of Education that it is the demolition of homes and subdivisions that impact the school systems and she hopes that the proposed historic preservation ordinance would address some of the impact to the schools. Mayor Brindle also stated the zoning and subdivision of properties would be addressed in the next component of the Master Plan which is the Municipal Land Use Element. Zoning would be analyzed to see if the current zones are still appropriate for the type of density that the Town wants.

Ms. Hines requested clarification as to how home demolitions impact the school system. Feels there would be impact if the existing home already had children as residents.

Mayor Brindle explained that the impact to schools occurs when a home of "empty nesters" is torn down and replaced with a home containing 4-5 bedrooms. Further explained that the larger issue is created with subdivisions when one home is torn down and replaced with 2 homes.

Mayor Brindle elaborated that in most cases with the tear downs it is mostly empty nesters who have outgrown homes to which they are replacing with newer homes that have four to five bedrooms. Secondly, she stated the bigger issue is subdivisions, when one house is being taken down to build two.

Ms. Hines referred to Mayor Brindle's comment concerning the data pertaining to development and the impact to schools and asked if that information could be shared.

Mayor Brindle stated all of the information would be provided on the Town's Redevelopment page on the website.

Robert Rey, 650 Coleman Place, thanked the Mayor and Town Council for their service. Also expressed his appreciation to the Police Department, Fire Department, and EMS. Feels the Town should do something to recognize their efforts. Secondly, Mr. Rey discussed his concerns with density. Explained that he is aware of State mandates requiring affordable housing, but he feels it is changing the quality of the Town. Lastly, Mr. Rey requested clarification of the proposed historic preservation ordinance and referred to previous comments in which it was stated that there are over 500 municipalities within New Jersey but only 47 are in compliance with the current State regulations. Asked if his understanding of this matter is correct.

The Town Attorney stated that there are 565 municipalities in New Jersey and that 47 have obtained Certified Local Government status.

Mayor Brindle feels it is important to note that not every municipality has a historic preservation ordinance. Feels the question should pertain to the number of municipalities with historic preservation ordinances and how many of those ordinances are in compliance with the State's land use laws.

Mr. Rey referred to the Town Attorney's comment and asked if it means that over 500 municipalities are not compliant with State laws.

The Town Attorney stated that would not be accurate.

Councilman LoGripipo stated there are over 500 municipalities that do not have a historic preservation ordinance.

Mr. Rey stated one of his concerns with the proposed ordinance is the date of 1930. Feels the date seems arbitrary and he is concerned with litigation against the Town and the potential cost to taxpayers. Also asked how the Town arrived at the date of 1930.

Mayor Brindle suggested that, in the interest of time and because there are several others wishing to make a comment, Mr. Rey's question would be added to the FAQ's that would be posted on the website.

Mr. Rey asked if there has been any study conducted as to the number of homes in Westfield that were built prior to 1930 and whether those homeowners are a protected class, such as senior citizens. Expressed concern that this ordinance could disproportionately affect senior citizens and their ability to sell their home. Also referred to Mayor Brindle's comment concerning increased density resulting from empty nesters selling their home and feels the burden has been put upon the seller of a home and empty nester. Requested clarification as to whether the majority of those homes are owned by senior citizens.

Greg Blasi, 779 Carelton Road, stated that he is a Westfield resident, an architect in Town and a member of the Historic Preservation Commission. Addressed comments concerning the date of 1930 and explained that most architects refer to homes as pre-World War II and post-World War II, and discussed the difference in the style of homes built in those eras. Stated that he lives on

Carleton Road close to Grove Street and he wishes that Carleton Road had been designated as a historic district because he feels the number of tear downs has changed the nature of the block. Also stated that many of his neighbors have asked him how tear downs could be stopped. Discussed comments that were made as to what is historic and what is not historic and feels that is not the point. Feels the point of this issue pertains to areas such as Stoneleigh Park, Dudley Avenue, Kimball Avenue, Boulevard and Gardens. Feels there were many blocks of houses that people bought over time and restored or renovated them, while maintaining both the property value and the visual appearance of the street. Feels the change in the appearance of the Town is associated with tear downs and has affected the core streets of the older blocks. Explained that what this ordinance would do is create more zoning ordinances for residents to appear before the Historic Preservation Commission and obtain a recommendation to go before the board. Further explained that any resident who wants to put an addition on their home would have to meet certain requirements such as setbacks, building/lot coverage and floor area ratios. Feels the proposed historic preservation ordinance provides protection to residents because scale proportions and materials would need to be used to ensure that the renovation or addition does not change the character of the neighborhood, thereby protecting the homeowner, the neighborhood and property values. Discussed the Kimball Avenue Historic District and feels property values have been maintained because the beauty and character of the homes have been maintained. Feels this ordinance protects neighborhoods from the mentality of tear downs, using synthetic materials and the like. Discussed the Townships of Montclair and Maplewood and feels the reason people enjoy these towns is because their townscapes have not been affected as much as Westfield's has been affected. Lastly, addressed the concerns expressed by residents and explained that this ordinance provides the Town with a way to apply additional zoning to the older neighborhoods and blocks, which can be easily met and can protect that lot or neighborhood as well as property values.

Councilman LoGrippe congratulated Mr. Blasi on his election as President of the Historical Society. Also asked Mr. Blasi if his home has been designated as historic.

Mr. Blasi stated that he did not and while his home was built in 1927 and he retained the original cedar siding and Alaskan pine on his windows, he is not sure that it would be worthwhile to landmark his home as historical, but he would strongly be in favor of landmarking his block in order to retain its nature and character.

Councilman LoGrippe feels other residents would support designating their block but not their individual home and stated that he has discussed this topic with Mr. Blasi in the past.

Adina Toescu-Encucescu, 1310 Central Avenue, discussed the number of years she has been a Westfield resident and feels many are proud to live in Westfield for its charm, historical homes and its atmosphere. Stated that she supports the historic preservation of Westfield and that she agrees with Mr. Blasi's comments as to the positive impact historic preservation would have on property values. Regrets that her home could not be designated as historic because it was built in the 1950's, but also because of the hawk light that was permitted by the previous governing body. Commended Mayor Brindle and the Town Council for its efforts to preserve the history of

Westfield. Feels that without history, there would be no present and without historic homes, Westfield would not be the charming town that it is.

Debby Burslem, 256 Kimball Avenue, stated that she lives in the only historic district within Westfield and she feels it is a blessing to live in that district because of the way the homes are maintained. Referenced Mr. Blasi's comments and feels he explained the purpose of the ordinance eloquently and clearly. Stated that while she understands that the State has indicated that the Town's current ordinance is not in compliance with State laws, asked if there is another way to bring the Town into compliance that would be less concerning to residents. Suggested that the Historic Preservation Commission be established as a legislative board, similar to the Board of Adjustment. Also suggested that a Question and Answer session be held similar to the sessions held for the Master Plan. In addition, feels the residents of the Kimball Avenue Historic District should have been contacted for input on the proposed ordinance. Questioned the decision concerning the year 1930 being the benchmark for historic significance and feels homes from all different decades could have a historical aspect to them. Discussed potential incentives to homeowners to motivate them to improve their home, rather than tear it down. Lastly, suggested that adoption of the ordinance be postponed to allow time for additional comments and input.

Joe Logozzo, 27 Stoneleigh Park, stated that he has lived on Stoneleigh Park since 2012 and loves the historic nature of his street as well as the historic nature of the entire Town. Stated that overall he has lived in Westfield for 20 years and what he loves the most is the age and economic diversity of the Town. Feels the impact to this diversity should be considered if this ordinance is approved. Discussed the impact it could have to the older generations living in Westfield and the difficulty they might have in maintaining their home at a certain level and at a higher cost. In addition, Mr. Logozzo requested that clarification concerning the appeal process be included in the FAQ document, specifically language within the ordinance that indicates that a protest petition could be overruled by 2/3 of the Town Council. Asked if this majority is required pursuant to Municipal Land Use Law or could a higher majority or a unanimous majority be required to overrule a protest petition. Stated that he understands that this is not an easy subject. The reason he moved to Stoneleigh Park was because of its historical nature, and while this ordinance would not impact him because he has completed renovations to his home, he is concerned with the impact to the older generations of residents that might not be able to comply with the standards of this ordinance.

Mallory Saltzman, 849 Tice Place, discussed her support for the historic preservation ordinance. Stated that she believes it is a good first step in preserving neighborhoods and the neighborhood feel that exists in Westfield however she does not feel the ordinance goes "far enough" and believes that older neighborhoods should be preserved as well as recently built neighborhoods.

James Foerst, 262 South Scotch Plains Avenue, thanked the Mayor and Town Council for their service. Also thanked the Police Chief and the Fire Chief and provided a special thanks to the Regional Health Officer. Discussed the historic preservation ordinance and stated that his home was built in 1912. Explained that his home has been fully renovated and he no longer feels it is historic. Believes this ordinance is potentially good intentioned and that the last time it was revised was when he was the Chairman of the Code Review and Town Property Committee. Explained that it was important to him to incentivize people to have their home or neighborhood

designated, but feels this ordinance goes beyond that and forces residents to have their home or neighborhood designated. Feels the standard for designation should not be age, but architecture, and should include remodels and new builds. Believes it is what results after a remodel or new build that concerns people. Stated that a house built in 1930 that is dilapidated does not necessarily mean that it has historical significance, but if it is replaced with a home that has an architectural flare and meets community standards, feels that would be acceptable to many residents. Also stated that he disagrees with the Town Attorney when he stated that the Town is not in compliance with Municipal Land Use Law. Explained that the Town is not out of conformity with the Municipal Land Use Law unless it wants to obtain Certified Local Government status. In addition, discussed his concerns with the ramifications or legality of this ordinance with respect to "spot" zoning issues. While overlay zones are permitted in areas, questioned the lack of guidance within the ordinance with respect to which zone or house(s) could be designated. Stated that his house was one of the first built in his neighborhood and feels he could be illegally "spot" zoned, simply based upon the fact that his home was built prior to 1930. Also expressed concern with the 1930 standard as well as the standards for justification of what is deemed to be historic and feels they are arbitrary and capricious. Believes the standards need to be objective and using the standard of the year 1930 to determine whether or not a home should be torn down seems to be subjective. Referred to Mr. Blasi's comments concerning pre-war and post war homes and feels pre-war homes would involve homes built prior to the 1940's, not the 1930's. Discussed his tenure as Chairman of the Code Review and Town Property Committee and stated that a campaign pledge of his was to strengthen the Town's historic preservation ordinance. At that time, volunteer submissions were discussed and instead of forcing residents to have their homes designated as historic, they would incentivize residents to designate their home by letting them be in "the front of the line" at a Zoning Board of Adjustment meeting, or by relieving them of the limitations of certain zoning ordinances, such as the regulations related to carriage houses. Feels incentive measures should be revisited rather than forcing historic designations and commended Robert Newell, Chairman of the Planning Board, for voluntarily designating his home as historic.

Lastly, Mr. Foerst discussed the delay of the Tamaques Park field improvement project and referred to comments by Mayor Brindle in which it was indicated that it would only be a number of months before a plan would be put into place and fields would be improved. Expressed concern that it has been 2 ½ years and there have been several studies conducted, but there have been no improvements to date.

Greg Kasko, 434 Everson Place, stated that he bought his home in 1994 and has lived in Westfield for approximately 48 years. Explained that he bought his home because it was a "fixer upper" that he could afford and because he liked its character. As he was renovating his home, neighbors that lived in what was an old farmhouse would thank him for keeping the house the way that they remembered it from when they were children. Stated that he was considering moving in 2004 because he needed a larger home. Explained that during that time, many residents were removing front porches to conform to lot coverage while putting an addition on the back of their home. His home was at the maximum lot coverage, but the Town passed on ordinance in which it "forgave" residents for lot coverage if existing porches were kept, which allowed him to put an addition on the back of his house. The reason for the ordinance was to preserve the homes with wrap around porches and their historical value. Stated that he views this

proposed ordinance in the same respect as the ordinance related to porches. While he supports this ordinance, feels it could be worthwhile to provide an incentive to homeowners that voluntarily designate their homes as historic.

Robin Ratkowski, 107 Hazel Avenue, stated that she appreciates the comments concerning the historic preservation ordinance. Mentioned that she has been a homeowner in Westfield for 20 years and graduated from Westfield High School in 1983. Stated that her home was built in 1920 and she has strong concerns with the ordinance. Explained that her main concern initially involved Section 5B of the ordinance which allows for the designation of a home without the homeowner's consent, but after hearing all of the comments, her main concern now relates to the timing of the ordinance. Discussed the Planning Board's review of this ordinance on July 6, 2020 and feels there is an overwhelming interest by the public to comment and to understand the ordinance. Strongly encouraged the Town Council to "pull back" on the timing of this ordinance. Also feels that it is not finished and that revisions are needed. Believes including an incentive for historic designation would alleviate many residents' concerns. In addition, feels that the property rights of individuals are protected under due process and the law. Explained that this is a very personal issue for residents because it is their most valuable investment. Reiterated her request that the Town Council take its time in considering this ordinance and to provide residents who might be on vacation with an opportunity to become aware of it.

Hearing no further comments, Mayor Brindle closed this portion of the meeting.

BILLS AND CLAIMS

On motion by Councilwoman Habgood, and seconded by Councilman LoGrippe, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$380,177.85 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilwoman Habgood, and seconded by Councilman Dardia, were unanimously adopted.

Resolution No. 129

WHEREAS, Melissa Sgroi, 121 Connecticut Street, Westfield, NJ has placed the required cash bond of \$500.00 to cover Road Opening Permit No. 19-152 for 121 Connecticut Street, and

WHEREAS, Melissa Sgroi has requested that this amount be returned, and

WHEREAS, the Town Engineer has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Melissa Sgroi, 121 Connecticut Street, Westfield, NJ.

Resolution No. 130

WHEREAS, the following applicants have placed the required cash bond of \$500.00 to cover:

Permit No.	Date	Name of Applicant	Address of Opening
18-043	1/26/18	Elegant Homes NJ LLC 525 Central Avenue, Suite 2 Westfield, NJ 07090	1011 & 1021 Wychwood Road
18-073	2/2/18	CPR Services Inc. 3C Marlen Drive Robbinsville, NJ 08691	15 Manchester Drive
18-133	3/27/18	D. Villane Construction, LLC 2376 South Avenue Scotch Plains, NJ 07076	452 Bryant Avenue
18-160	4/24/8	Michael M. Adelhock 117 Golf Edge Drive Westfield, NJ 07090	117 Golf Edge Drive
18-177	5/3/18	Laila A. Ruzika 198 Cottage Place Westfield, NJ 07090	198 Cottage Place
18-222	6/4/18	Accurate Sewer and Drain LLC 528 Downer Street Westfield, NJ 07090	872 Shadowlawn Drive
18-309	8/1/18	D. Villane Construction, LLC 2376 South Avenue Scotch Plains, NJ 07076	619 Fairfield Circle
18-398	9/28/18	Johnathan J. Bezalel 400 E. 58 th Street, Apt. 2E New York, NY 10022-2333	25 Barchester Way
18-419	10/17/18	Fox and Foxx Development, LLC Operating Account 940 Amboy Avenue, Suite 101 Edison, NJ 08837	625 Ripley Place
19-003	1/8/19	Harmony Design Group LLC 1520 Pine Grove Avenue Westfield, NJ 07090	37 Fairhill Road
19-095	4/24/19	The Valluzzi Group Property Management LLC Operating Account 2557 Oxford Avenue South Plainfield, NJ 07080-5334	417-421 Baker Avenue
19-089	4/12/19	Hoff & Son Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	111 East Grove Street
19-038	2/20/19	Hoff & Son Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	810 Village Green
19-081	4/24/19	Hoff & Son Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	1103 Boynton Avenue

and,

WHEREAS, the above applicants are entitled to have this amount be returned to them, and

WHEREAS, the Town Engineer, has inspected the roadway excavations and has found the excavations to have been properly repaired.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of the applicants noted above for \$500.00 and forward to the applicants' addresses also noted above.

Resolution No. 131

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

Name	Account	Class	Fee
Barbara Adams 549 Edgar Road Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Resident/Senior Citizen Barbara Adams	\$90.00
Susan Gandy 770 Austin Street Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Resident/Senior Citizen Susan Gandy	\$90.00
James Venezia, Jr. 629 Roosevelt Street Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 202 Resident/Senior Citizen (2) James Venezia, Jr (\$90) Sandra Venezia (\$90)	\$180.00
Diane Walker 21 Cutter Ave Edison, NJ 08820	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Non-Resident/Senior Citizen Diane Walker	\$155.00
Ethan Mandelup 633 Coleman Place w/Childcare Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Resident/Family of 4 or less	\$520.00
Kathleen Caprio 2155 Seward Drive Scotch Plains, NJ 07076	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Non-Resident/Individual Kathleen Caprio	\$380.00
Joshua Braun 26 Mohawk Trail Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership Resident/Family of 4 or less Kim, Sophie, Sam, Iliana Braun	\$420.00
Kathy Mooney	#195	Pool Membership 2020	\$300.00

37 Sandra Circle Unit 1C Westfield, NJ 07090	Membership Refund/Pool 9-03-55-920-202	Resident / Parent/Child Kathy & Elizabeth Mooney
Clark Biggers 761 Norgate Westfield NJ, 07090	Sports Camps T-05-600-073 9-05--230-000	Refund \$200.00 Get Better Basketball Camp 2020 Cooper Bigger / WK#1
Nathan Madden 412 Cayuga Way Westfield, NJ 07090	Sports Camps T-05-600-073 9-05--230-000	Refund \$200.00 Get Better Basketball Camp Luke Madden / WK #1
Patrick Quay 972 Cherokee Ct Westfield, NJ 07090	Sports Camps T-05-600-073 9-05--230-000	Refund \$200.00 Get Better Basketball Camp Andrew Quay / WK #1
Maral Regas 625 Coleman Place Westfield, NJ 07090	Sports Camps T-05-600-073 9-05--230-000	Refund \$200.00 Get Better Basketball Camp Devan Regas/ WK #1
Joseph Weiss 615 Tremont Ave Westfield, NJ 07090	Sports Camps T-05-600-073 9-05--230-000	Refund \$200.00 Get Even Better Basketball Camp Neil Weiss / WK#2
Wendy Nitche 18 Cornwall Drive Westfield, NJ 07090	Sports Camps T-05-600-073 9-05--230-000	Refund \$200.00 Get Better Basketball Camp Brenan Nitche / WK #2

Resolution No. 132

BE IT RESOLVED that the Chief Financial Officer be authorized to draw a warrant to the following persons for a refund due to a cancellation of the Westfield Spring Fling on May 3, 2020:

<u>Name</u>	<u>Amount</u>
Donna Rinaldo	\$75.00

Mail to:

Dinny's Dinners
Donna Rinaldo
37 Ivy Street
Clark, NJ 07066

Resolution No. 133

WHEREAS, as a result of the decrease in the transmission of COVID-19 throughout the State of New Jersey, and in accordance with the State of New Jersey's multi-stage plan to reopen businesses, on June

3, 2020, Governor Murphy signed Executive Order No. 150, permitting food or beverage establishments to offer in-person service at outdoor areas only beginning on June 15, 2020; and

WHEREAS, Executive Order 150 granted municipalities the authority to make all decisions with respect to establishing the process for allowing and determining the location of restaurants or bars to expand their service footprint on their property and potentially into shared spaces, such as sidewalks, streets and parks, in a way that comports with public safety; and

WHEREAS, at a meeting held June 9, 2020, the Town Council of the Town of Westfield adopted Resolution No. 128-2020, requiring that food and beverage establishments wishing to provide in-person service at outdoor areas submit an application to the office of the Westfield Town Clerk; and

WHEREAS, prior to the COVID-19 pandemic and the adoption of Resolution No. 128-2020, several Westfield food and beverage establishments submitted application, along with the appropriate fee, to obtain a Sidewalk Café License to allow for outdoor seating for their customers; and

WHEREAS, pursuant to Resolution No. 128-2020, no fee shall be charged for the submission or approval of applications for in-person service at outdoor seating areas.

NOW, THEREFORE BE IT RESOLVED, that the Town Treasurer be authorized to refund payments provided for Sidewalk Café Licenses for the 2020 season as follows:

<u>Name</u>	<u>Fee</u>
Turning Point 137 Central Avenue Westfield, NJ 07090	\$350.00
Xocolatz Grill 235 Elmer Street Westfield, NJ 07090	\$350.00
Ferraro's 14 Elm Street Westfield, NJ 07090	\$350.00
<u>Name</u>	<u>Fee</u>
Bovella's Pastry Shoppe 101 East Broad Street Westfield, NJ 07090	\$250.00
1958 Cuban Cuisine 301 South Avenue West	\$250.00

Westfield, NJ 07090	
Sweet Waters 43 Elm Street Westfield, NJ 07090	\$250.00
Brunella Deli 615 South Avenue West Westfield, NJ 07090	\$250.00
Ralphs Italian Ice 524 Central Avenue Westfield, NJ 07090	\$250.00
Tinga Taqueria 110 Central Avenue Westfield, NJ 07090	\$250.00
Nosvino 127 Central Avenue Westfield, NJ 07090	\$100.00
Feast Catering 27 Elm Street Westfield, NJ 07090	\$100.00
Chipotle 117 East Broad Street Westfield, NJ 0790	\$100.00
Fresh Bui 57 Elm Street Westfield, NJ 07090	\$100.00
Bagel Chateau 223 South Avenue East Westfield, NJ 07090	\$100.00
Starbucks 117 Central Avenue Westfield, NJ 07090	\$100.00

Farinolio 121 East Broad Street Westfield, NJ 07090	\$100.00
Ono Bowls 107 Quimby Street Westfield, NJ 07090	\$100.00
Cinnaholic 118 Elm Street Westfield, NJ 07090	\$100.00
The Liquor Basket 115 Quimby Street Westfield NJ, 07090	\$100.00
Cosimo's 118 East Broad Street Westfield, NJ 07090	\$250.00

Resolution No. 134

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2020:

Block/Lot/Qualifier		Quarter/Year
Name	Property Address	Amount
3205/1	501-503 Central Avenue	2 nd /2020
LaFarga, Hansel		\$5,061.10

Resolution No. 135

WHEREAS, Gialluisi Custom Homes, 208 Lenox Ave #157, Westfield, NJ, made an application for a demolition permit, permit number 19-1703, for a dwelling located at 2 Oneida Drive, Block 5113, Lot 1 Westfield, New Jersey, on September 4, 2019,

WHEREAS, Gialluisi Custom Homes had also requested a permit to construct a new single family dwelling on September 4, 2019, and the plan review for the construction permit was performed by the building department, and the permit fee of \$2089 was invoiced but not paid,

WHEREAS, Gialluisi Custom Homes remitted \$1,500.00 for aforesaid demolition permit,

WHEREAS, Gialluisi Custom Homes subsequently requested to renovate the existing dwelling and not proceed with the above referenced demolition.

WHEREAS, Gialluisi Custom Homes then on March 5, 2020 applied for and subsequently received a construction permit to renovate the existing dwelling,

WHEREAS, Gialluisi Custom Homes has requested a refund of eighty percent (80%) of permit fee for the demolition permit, consistent with N.J.A.C. 5:23-4.18,

WHEREAS, Gialluisi Custom Homes is entitled to a \$1200 (20% of \$1500) refund for the demolition permit however owes \$417.80 (20% of \$2089) for the new dwelling plan review fee, which creates a refund of \$782.20 (\$1200-\$417.80),

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$782.20 payable to Gialluisi Custom Homes, 208 Lenox Ave #157, Westfield, NJ 07090.

Resolution No. 136

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$45,747.00, which is now available from the NJ Association of County & City Health Officials LHD COVID-19 grant; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations
NJACCHO – COVID 19

\$45,747.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Resolution No. 137

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$55,028.77, which is now available from the Solid Waste Administration FY 2020 Clean Communities grant; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Clean Communities	\$55,028.77

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Resolution No. 138

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$5,620.01, which is now available from the Division of Criminal Justice Body Armor grant; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Body Armor	\$5,620.01

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

Resolution No. 139

WHEREAS, a need exists to hire a consultant to assist the Town of Westfield (the “Town”) in providing an environmentally sound solution to the Town’s sustainable energy goals; and

WHEREAS, the Town is interesting in building a large-scale municipal solar project or projects on Town property and/or buildings with a goal of reducing its energy costs and utilizing more renewable energy; and

WHEREAS, the Town issued a Request for Qualifications (“RFQ”) through a fair and open process in accordance with N.J.S.A. 19:44A-20.4, et seq., seeking a solar advisor to assist in creating an energy savings plan to accomplish the above-described goals; and

WHEREAS, Gabel Associates, 417 Denison Street, Highland Park, NJ 08904, has submitted a proposal dated May 28, 2020, indicating that Gabel Associates would provide the above-services based on the fees set forth in the firm’s cost proposal; and

WHEREAS, the Town has deemed that the background, experience, and qualifications of the Respondent herein satisfies the criteria set forth in the RFQ; and

WHEREAS, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2020 Budget. Expenditure of funds pursuant to this contract is to be charged to Budget Account 0-01-185-215, under Purchase Order #20-01974; and,

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby authorizes the Mayor to enter into a contract with Gabel Associates as described herein; and

BE IT FURTHER RESOLVED that the proper Town Officials be, hereby are, authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

Resolution No. 140

WHEREAS, Town Engineer, Kris McAloon has been certified as a Recycling Coordinator for the Town of Westfield; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that Kris McAloon shall be paid \$2,751 for additional duties performed as Recycling Coordinator for calendar year 2020.

Resolution No. 141

WHEREAS, a need exists in the Westfield Police Department for the purchase of Body Worn Cameras, and

WHEREAS, Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038 was awarded State Contract T0106, under the Department of Purchase and Property’s NJStart eProcurement Solution, purchase order 17-FLEET-00738, Category 14 for Police Body Camera

Solution and 14A for installation, consulting services, hardware/software configuration, training and hourly repair services rates, and

WHEREAS, at the meeting of the Town Council of the Town of Westfield on June 18, 2019, Resolution 158-2019, the Town of Westfield awarded a contract for the purchase of Body Worn Cameras for the Westfield Police Department to Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 under State Contract T0106, and

WHEREAS, pursuant to the Town of Westfield's Purchasing Agreement with Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661, the total costs of said contract are to be extended over a five (5) year time period, with Year 2 costs of said agreement totaling \$67,908.00 as specified in invoice SI-1643604, and which are now due for payment, and

WHEREAS, these Body Worn Cameras and their servicing by Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 have been sufficient to meet the on-going needs of the Westfield Police Department; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment of Year 2 costs of the Purchasing Agreement with Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 totaling \$67,908.00, and which are to be charged to Municipal Law Enforcement Trust Account T-05-600-021, this with the full authorization and approval of the Union County Prosecutor, under Purchase Order 20-01969, prepared in accordance with N.J.A.C. 5:30-1.10.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that payment of Year 2 costs of the purchase of Body Worn Cameras for the Westfield Police Department totaling \$67,908.00 is hereby authorized to Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 under State Contract T0106.

BE IT FURTHER RESOLVED that proper Town Officials be and are hereby authorized to take whatever actions are appropriate in the execution and discharge of the Purchasing Agreement with Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661.

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolutions, introduced by Councilwoman Mackey, and seconded by Councilman Parmelee, were unanimously adopted.

Resolution No. 142

RESOLVED that the following applications for Peddlers License be and the same are hereby approved:

Mohammed Awawda
Good Humor
700 Probst Avenue
Fairview, NJ 07022

Karen Sasso
Ice Cream Creations
196 Mountain Way
Rutherford, NJ 07070

Dionisios Vasiliades
Danny's Soft Serve
1081 E. Grand Street
Elizabeth, NJ 07201

BE IT FURTHER RESOLVED that the licenses shall not be issued by the Town Clerk unless the departmental inspections of the premises have been completed and the premises approved for the licensed use.

Resolution No. 143

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Westfield and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Westfield that the agreement entitled "COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," dated June 2014, as amended July 9, 2019 for the Purpose of Inserting a Description of Activities for Fiscal Year 2020-2021 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

Resolution No. 144

WHEREAS, The Town of Westfield's Housing Plan Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and the regulations of the Council on Affordable Housing (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, the Town of Westfield's Housing Plan Element and Fair Share Plan includes affordable housing initiatives that create opportunities for affordable housing units through a combination of inclusionary development and court approved credits from prior round affordable housing developments; and

WHEREAS, Town of Westfield's Housing Plan Element and Fair Share Plan includes a Spending Plan, prepared pursuant to N.J.A.C. 5:97-1, et. seq., and which includes planned expenditures from the affordable housing trust fund; and

WHEREAS, the Spending Plan specifies that Westfield will use a portion of its affordable housing trust fund towards affordability assistance in accordance with N.J.A.C. 5:97-1, et. seq.; and

WHEREAS, the Town Administrator and Town Planner recommend to the Mayor and Council that Community Grants, Planning & Housing be selected to provide affordability assistance services; and

WHEREAS, the Mayor and Council of the Town of Westfield wish to enter into an agreement with Community Grants, Planning & Housing for the purpose of administering an Affordability Assistance Program, in accordance with the Town of Westfield's Housing Plan Element and Fair Share Plan, and Spending Plan; and

NOW, THEREFORE BE IT RESOLVED, that Community Grants, Planning & Housing, 1249 South River Road, Suite 301, Cranbury, NJ 08512-3716 is selected to administer an Affordability Assistance Program for a term effective July 1, 2020 and terminating close of business June 30, 2021; and

BE IT FURTHER RESOLVED that Community Grants, Planning & Housing shall be awarded said contract at a fee not to exceed \$5,500 under the Affordable Housing (Administrative Services)

Trust Fund Account, subject to the availability of funds, charged to Account 0-01-120-218 under Purchase Order 20-01945 and;

BE IT FURTHER RESOLVED, that the Town of Westfield hereby designates the Municipal Housing Liaison as the liaison to Community Grants, Planning & Housing; and

BE IT FURTHER RESOLVED, that the proper town officials be, and hereby are, authorized and directed to enter into an agreement with Community Grants, Planning & Housing.

The following resolution, introduced by Councilwoman Mackey, seconded by Councilman Dardia was adopted by the following roll call vote:

Resolution No. 145

WHEREAS, on March 10, 2020, the Mayor and Council adopted Resolution Number 77-2020, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether the properties:

Block	Lot	Street Address
2405	15	146 Elm Street
2505	12.01	131 Elm Street
3001	5	360 Waterson Street
3101	5	300 South Avenue West
3103	7	301 North Avenue West
3107	2	116 Elmer Street
3116	11	148 Central Avenue

as identified on the Official Tax Map of the Town of Westfield (the “Study Area”) to determine if such properties qualify as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “Redevelopment Law”); and

WHEREAS, the Planning Board retained the services of professional planning firm Topology (“Topology”), to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, Topology conducted such investigations and prepared a report of its investigations entitled “*Preliminary Investigation, Downtown Parking Lots, Westfield, NJ*” (the “Redevelopment Investigation Report”); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area and the properties therein exhibit conditions which conform with various redevelopment criterion,

including criteria d and h under Section 5 of the Redevelopment Law, *N.J.S.A. 40A:12A-5*, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, on June 1, 2020, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A. 40A:12A-6*, at which time it heard a presentation of the Redevelopment Investigation Report by Mr. Philip A. Abramson, AICP/PP, principal of Topology and author of the Redevelopment Investigation Report, as well as comments from members of the public in attendance; and

WHEREAS, Mr. Abramson responded to questions from the Planning Board members and members of the public; and

WHEREAS, based upon the Redevelopment Investigation Report, Mr. Abramson's testimony concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concluded that the Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommending that the Mayor and Council designate the Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Council accept the conclusions of the Redevelopment Investigation Report and the Planning Board's recommendation and wish to designate the Study Area as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield that the Study Area described herein be and hereby is designated as a Non-Condensation Redevelopment Area, pursuant to the Redevelopment Law.

Prior to the vote being called on Resolution No. 145-2020, a presentation by the Town's Redevelopment Planners, Philip Abramson and Chris Colley of Topology was provided as follows:

Downtown Parking Lots Preliminary Investigation

Prepared by
Topology
For
Westfield
Town Council

June 30, 2020

Agenda

- 1 Introduction + Process
- 2 Study Area Overview
- 3 Study Area Evaluation
- 4 Conclusion + Next Steps

1. Introduction + Process

Topology

- Urban planning and real estate consulting firm
- Hired by Westfield in 2020 to work on redevelopment matters
- History of advancing redevelopment projects across New Jersey in communities including Morristown, South Orange, and Summit

Process: Overall



Initial Resolution: Governing body authorized preliminary investigation to determine if the area qualifies as a **non-condemnation** area in need of redevelopment on March 10, 2020



Due Diligence and Analysis: Research on the condition of the properties in the study area.



Preliminary Investigation: Analysis of study area and recommendation (report submitted May 14, 2020).



Planning Board Review and Recommendation: Town Planning Board recommended property designation on June 1, 2020.



Designation: Governing body accepts, rejects, or modifies recommendation.

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Process: Tonight's Report

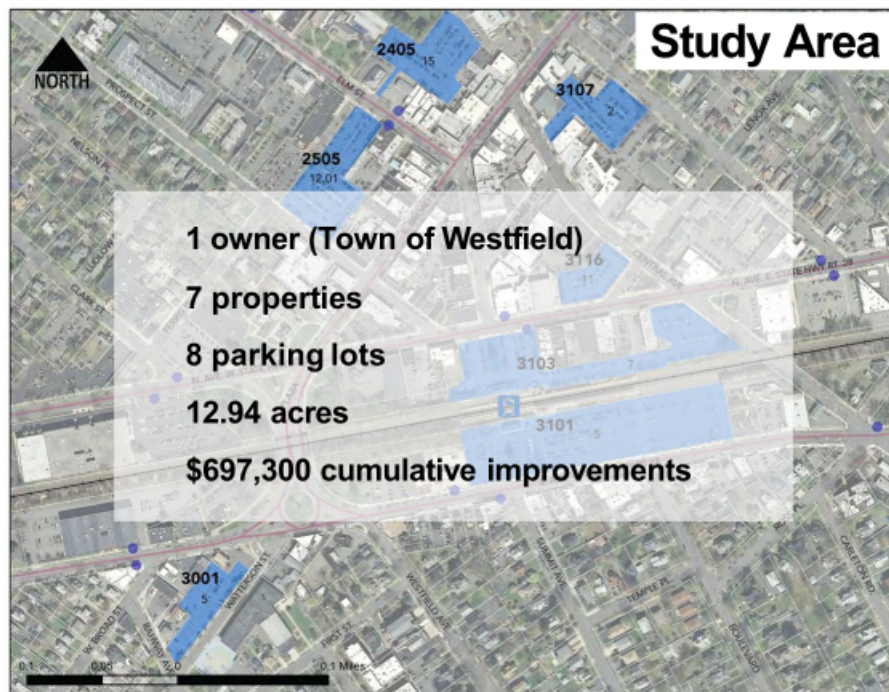
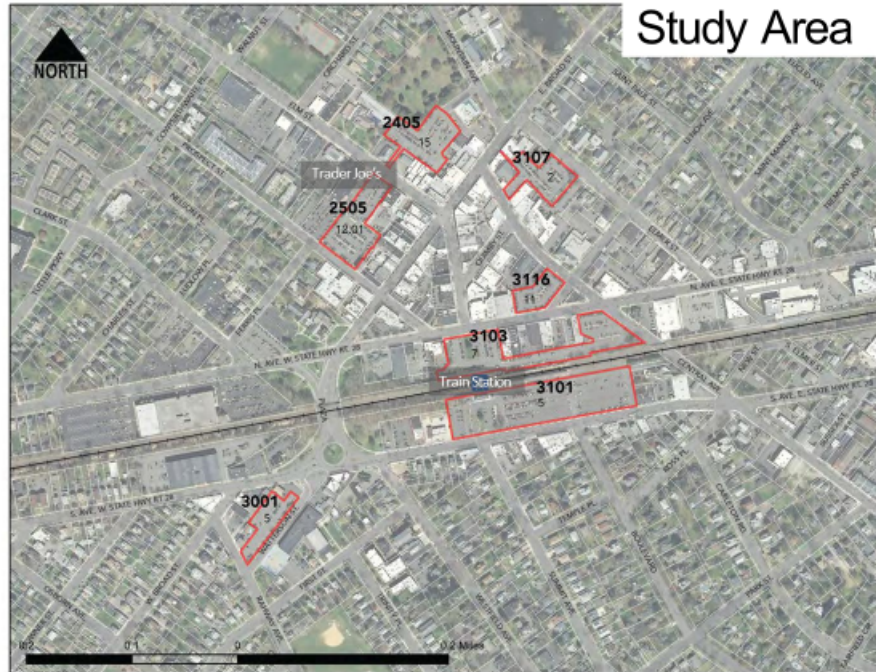
Site Visits

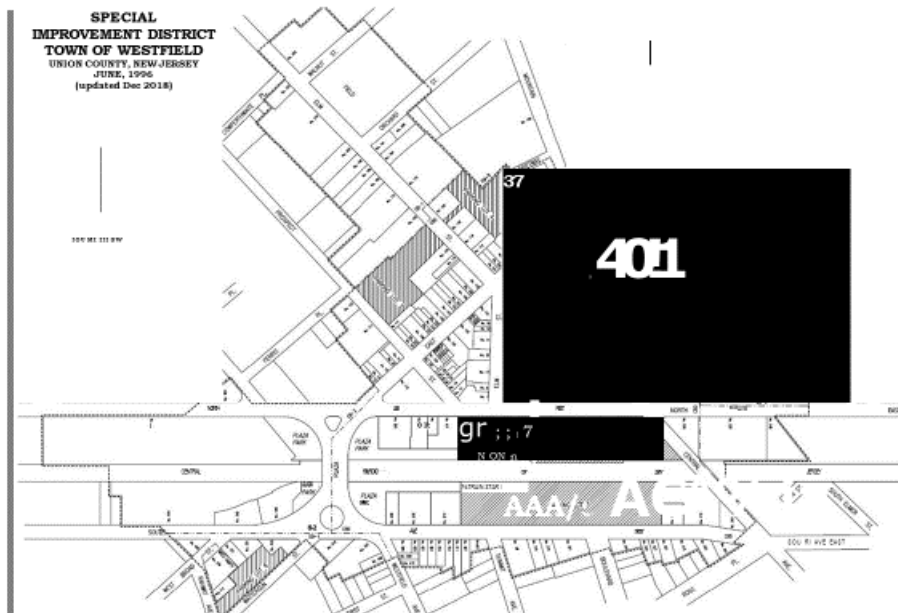
- Aerial imagery and site inspections:
 - April 19, 2020
 - May 6, 2020

Documents Reviewed:

- Planning + zoning records
- Town Master Plan and Master Plan Reexamination
- Town zoning ordinance
- Municipal tax maps
- Police records
- Tax assessor records including ownership information
- Other planning documents prepared by Westfield stakeholders
- Sanborn maps

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Prior Planning

Downtown Westfield serves as the heartbeat of the community's commercial and social activities. It continues to be envisioned as [a] pedestrian-oriented and mixed-use center; it will offer a variety of housing choices, retail environments, and traditional and non-traditional office employment opportunities. New development will preserve and celebrate the Town's history and architecture and provide housing and destinations for shopping and services, all within an environment of tree-lined streets, pedestrian parks, and plazas.

-2019 Master Plan Reexamination

Prior Planning

Maintain and enhance the viability of the various business districts by: encouraging an appropriate mix of land uses that will complement one another and meet the retail and service needs of the Town; promoting a desirable visual environment and preserving the small town atmosphere in the business districts; providing or requiring the provision of sufficient numbers of parking and loading spaces in the appropriate locations to serve the needs of the general public as well as the needs of patrons and employees; promoting a desirable pedestrian environment in the downtown business district; and discouraging automobile-only oriented development in the central business district, including "strip malls."

-2002 Master Plan

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Area in Need of Redevelopment Criteria

Statutory Analysis (N.J.S.A. 40A:12A-5)

- a** Substandard, unsafe, unsanitary, dilapidated, or obsolescent buildings
- b** Abandonment of commercial buildings or disrepair rendering them untenable; significant vacancies for two plus years
- c** Vacant or publicly owned land unlikely to be developed with private capital due to location, access or topography
- d** Dilapidated, obsolescent, faultily arranged or designed building or improvement detrimental to the public safety, health, morals, or welfare.
- e** Stagnant and unproductive condition of land because of a condition of title or diversity of ownership.

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“Area in Need of Redevelopment” Criteria

Statutory Analysis (N.J.S.A. 40A:12A-5 (cont.))

- f** Area of 5+ acres with improvements that have been destroyed by fire or natural disaster
- g** Adopted and approved Urban Enterprise Zones (which may be designated for tax abatements only)
- h** Designation is consistent with smart growth planning principles

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Surface Parking + Obsolescence

- In Concerned Citizens, Inc. v. Mayor and Council of the Borough of Princeton (Appellate Division, 2004), the Court upheld a finding that a downtown surface parking lot was evidence of obsolescence and qualified as an area in need of redevelopment under criterion D.
- Specific conditions, similar to those found in Westfield, were cited by the Court in Concerned Citizens:
 - Properties were located **downtown** where surface parking represented “yesterday’s solution” in a setting where “structured parking is the new standard.”
 - **Long-term efforts** had been underway to improve the downtown.
 - Parking lots inhibited the types of uses that would fulfill Princeton’s objectives and redevelopment was projected to “serve the **public health, safety, and welfare** of the entire community.”

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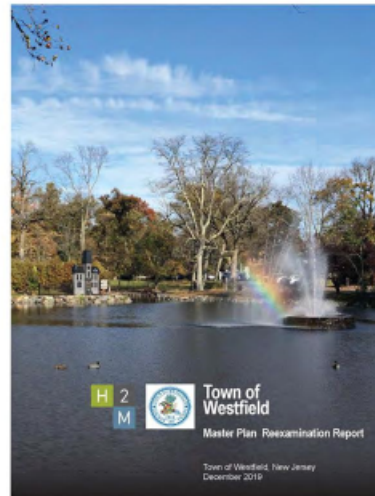


Long-term efforts?

TOWN OF WESTFIELD UNION COUNTY, NEW JERSEY

PLANNING BOARD MASTER PLAN

Adopted October 7, 2002
with Amendments
Appendix B
&
Appendix C
Memorializing Resolutions
Appendix D



Health, safety, welfare?

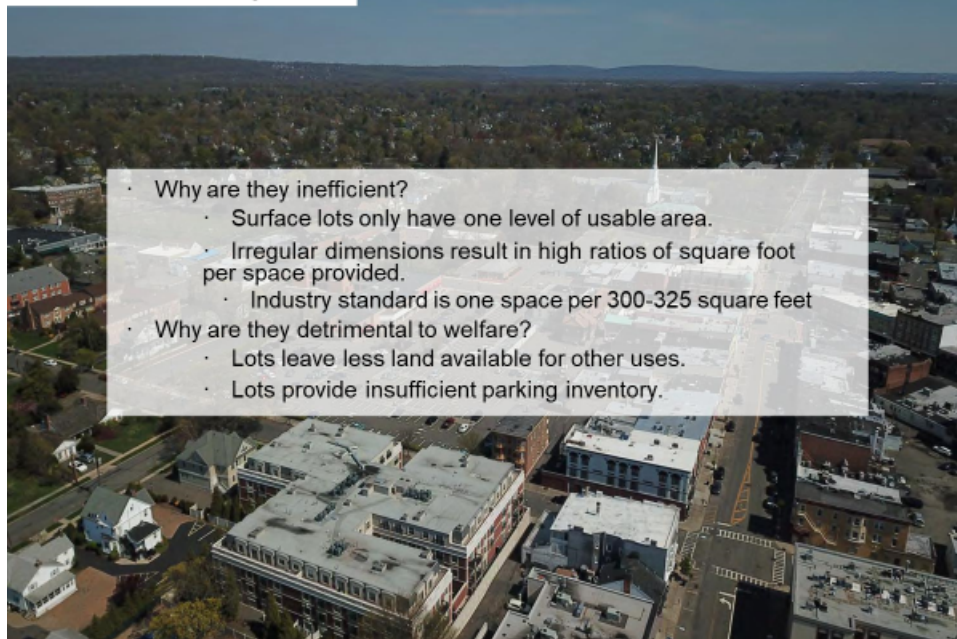
Inefficiency argument (welfare): Surface parking lots are an inefficient way to provide parking. This comes at the expense of other uses.

Noncontributory argument (welfare): Downtown surface parking lots do not contribute to the functionality of the downtown beyond providing parking, a role they perform inadequately.

Design argument (health, safety, welfare): Surface parking lots exhibit design characteristics that are detrimental to the health, safety, and welfare of the community.

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Inefficiency



- Why are they inefficient?
 - Surface lots only have one level of usable area.
 - Irregular dimensions result in high ratios of square foot per space provided.
 - Industry standard is one space per 300-325 square feet
- Why are they detrimental to welfare?
 - Lots leave less land available for other uses.
 - Lots provide insufficient parking inventory.

Noncontributory

- Why are they noncontributory?
 - Their only function is storing vehicles, a role they play inadequately.
 - Lots break up the streetscape, detracting from walkability.
- Why are they detrimental to welfare?
 - Lack of functionality results in inferior assessed value and limited potential tax revenue.
 - Average improvement value per acre in Westfield is \$933,152.
 - Walkability has a positive impact on property values and retail sales.

Design

- What is the design argument?
 - Surface lots exhibit faulty arrangement like wide drive aisles, poor pedestrian infrastructure, and excessive curb cuts that create unsafe environments.
 - Surface lots exhibit excessive lot coverage which creates stormwater issues. They present fewer opportunities for managing stormwater than a development with similar lot coverage.
- Why are they detrimental to health, safety, and welfare?
 - Walkability has a public health and economic development benefit.
 - Dangerous layouts are safety hazards.
 - Poor stormwater management leads to flooding, the movement of trash and pollution, and degradation of water quality.

Surface Parking + Obsolescence

- In Concerned Citizens, Inc. v. Mayor and Council of the Borough of Princeton (Appellate Division, 2004), the Court upheld finding that a downtown surface parking lot qualified as an area in need of redevelopment under criterion D.
- The Court found that surface parking lots in certain circumstances are evidence of obsolescence.
- Specific conditions, similar to those found in Westfield, were cited by the Court in Concerned Citizens:

- Properties were located **downtown** where surface parking represented “yesterday’s solution” in a setting where “structured parking is the new standard.”
- **Long-term efforts** had been underway to improve the downtown.
- Parking lots inhibited the types of uses that would fulfill Princeton’s objectives and redevelopment was projected to “serve the **public health, safety, and welfare** of the entire community.”

23

Criterion H

Criterion H: ***“the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.”***

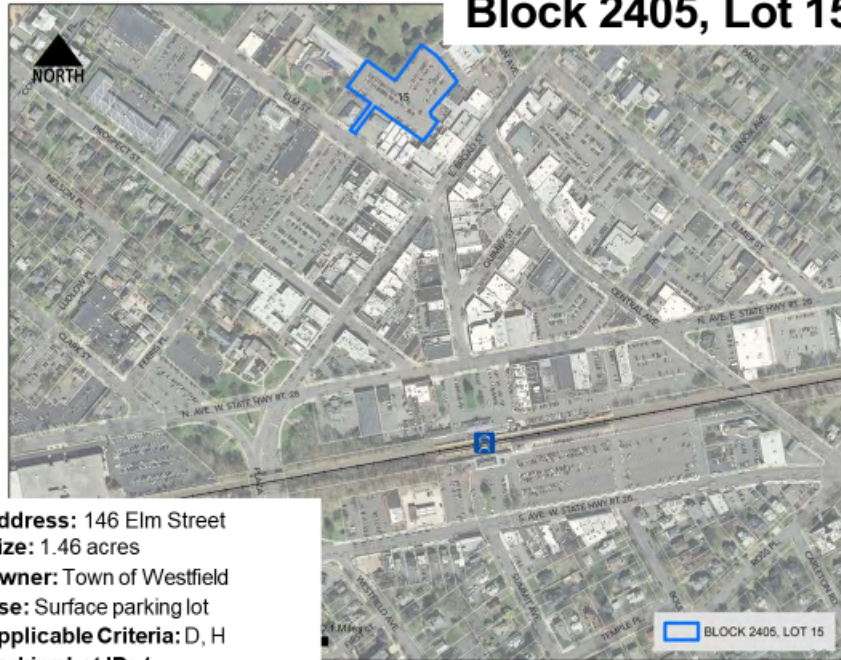
All the properties qualify under Criterion H as designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

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3. Property Evaluation



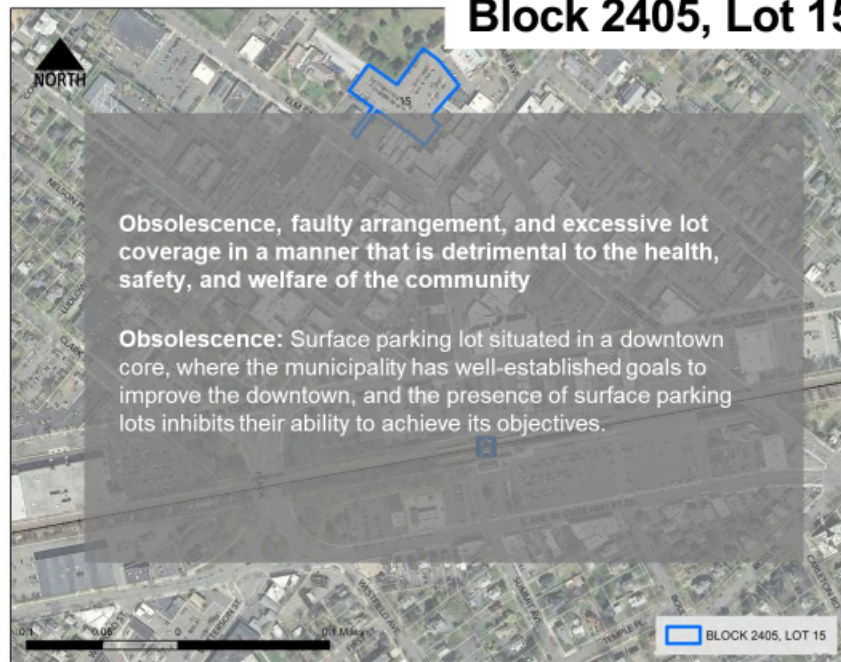
Block 2405, Lot 15



Address: 146 Elm Street
Size: 1.46 acres
Owner: Town of Westfield
Use: Surface parking lot
Applicable Criteria: D, H
Parking Lot ID: 4

 BLOCK 2405, LOT 15

Block 2405, Lot 15



Block 2405, Lot 15

Detrimental to health, safety, welfare

Inefficiency (W)

- Single level of parking excludes other potential uses
- One parking space per 447 square feet of area
- Inefficiency reflected in density, mixture, and value of nearby uses

Noncontributory (W)

- No functional value besides providing 142 spaces
- Improvement value per acre \$42,465
- Creates a break in the street wall

Design (H, S, W)

- Limited pedestrian infrastructure
- Wide drive lanes and tight turns
- Unconventional traffic pattern
- Excessive lot coverage with negligible pervious areas



Summary of Findings

- Similar analysis conducted for each individual lot and presented to the Planning Board for their consideration.
- Based on the findings of the report and recommendation of the Planning Board, the Study Area properties qualify as non-condemnation areas in need of redevelopment based on:

Block	Lot	Criteria							
		A	B	C	D	E	F	G	H
2405	15				X				X
2505	12.01				X				X
3001	5				X				X
3101	5				X				X
3103	7				X				X
3107	2				X				X
3116	11				X				X

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4. Conclusion + Next Steps





Next Steps

- **Initial Resolution:** Governing body authorization of preliminary investigation on March 10, 2020.
- **Investigation Map:** Delineates the boundaries of the proposed study area.
- **Preliminary Investigation:** Analysis of study area and recommended course of action.
- **Planning Board Review:** Town Planning Board holds public hearing to review preliminary investigation for recommendation to governing body.
- **Designation:** Governing body resolution that accepts, rejects or modifies recommendations.
- **Planning:** Policy and regulatory framework for redevelopment.
- **Plan Adoption:** Ordinance adopting the Plan as an amendment to Zoning. 32



Town Council comments:

Councilman LoGrippe asked if there is any data available as to how COVID-19 might impact the study since the data used was prior to the pandemic.

Mr. Abramson does not feel the pandemic and social distancing would affect the conclusions of the study. Explained that he hopes for everyone's sake that the downtown does not become less valuable because of the coronavirus. The conclusion of the study is that Westfield's downtown is valuable, but the parking lots make it less valuable. Discussed the factors that must be considered when preparing these studies and does not feel these factors are influenced due to the pandemic.

Councilman LoGrippe feels there is a chance that there could be less commuters to New York City as more people work from home.

Mr. Abramson explained that if that were to happen, it makes the parking lots at the train station less useful and would need to return as a local economy use and not a commuter use.

Councilman Contract referred to the case in Princeton that is cited in the study and asked what the outcome was for the property in Princeton.

Mr. Colley explained that the parking lot in Princeton became a public plaza that includes a library and some housing.

Mayor Brindle stated that Michael LaPlace wrote about the Princeton property in a Letter to the Editor and explained that she visited the property with Princeton's Assistant Mayor and former

Economic Director before she became Mayor. Explained that the property used to be a flat municipal parking lot adjacent to a library. The library was threatening to relocate to the outer part of Princeton. Instead, Princeton designated the parking lot as an area in need of redevelopment and converted it to a parking structure wrapped in retail. In addition, a new public library was included and a public plaza was created that is used for events such as farmers' markets. As per Michael LaPlace, it is now the "heartbeat" of Downtown Princeton and was a "shot in the arm" for their local economy.

Councilman Contract stated that he went to school in Princeton and believes he is familiar with the property.

Councilman LoGrippe asked if Princeton would be a different demographic than Westfield because of the university being located there.

Mr. Abramson explained that the reason that Princeton was used in the study was because of the case law but feels this case law applies to a wide variety of communities, especially those with walkable downtowns. Feels the Princeton case law supports using redevelopment tools to redevelop surface parking lots.

Mayor Brindle mentioned that Westfield redevelopment counsel was the firm that argued the case in Princeton.

Councilman Contract stated that he is familiar with Princeton's downtown since he went to school there and he feels it functions very similarly to Westfield's downtown.

Mr. Abramson discussed next steps in the process, explaining that the vote on Resolution No. 145-2020 would be first. If adopted, then the Town Council must decide if it would like to proceed with the preparation of a redevelopment plan and how it would like to leverage the designation. Explained that moving forward with a redevelopment plan is completely within the Town's discretion and that there is no obligation to take any further action. By adopting Resolution No. 145-2020, the Town is acknowledging the conditions and the status as applied by State statute, but the Town is not committed to taking additional action. A redevelopment plan must be approved by ordinance thereby requiring a vote by the Town Council throughout each step in this process.

Yeas: Habgood	Nays: LoGrippe	Absent:
Parmalee		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

General Ordinance No. 2178

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2178-AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, RELATING TO SOLAR ENERGY SYSTEMS”

The motion was seconded by Councilman Contract.

General Ordinance No. 2178 was approved by the following vote of all present upon roll call as follows:

Yeas:	Nays:	Absent:
Habgood		
Parmalee		
Katz		
LoGrippto		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2178 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 11th day of August 2020 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

General Ordinance No. 2183

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2183- AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD”

The motion was seconded by Councilman Dardia.

General Ordinance No. 2183 was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays: LoGrippe	Absent:
Parmalee		
Katz		
Mackey		
Contract		
Dardia		
Boyes		
Mayor Brindle		

Heretofore introduced, General Ordinance No. 2183 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 11th day of August 2020 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Public Works Committee

The following resolutions, introduced by Councilman Contract, and seconded by Councilman Boyes, were unanimously adopted.

Resolution No. 146

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2021 for the North Avenue Safe Streets to Transit project.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2021-North Avenue Safe Streets to Transit-00043 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 147

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2021 for Improvement of Willow Grove Road, between Rahway Avenue and Lamberts Mill Road, consisting of road resurfacing and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Improvement of Willow Grove Road-00492 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 148

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2021 for the Improvement of Prospect Street, between Dudley Avenue to Effingham Place, consisting of road reconstruction and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Improvement of Prospect Street-00493 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 149

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2021 for the Summit-Boulevard Bike Lane Corridor project, consisting of the creation of approximately 3.5 miles of bicycle lanes.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2021-Summit-Boulevard Bike Lane Corridor-00043 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution No. 150

WHEREAS, Fischer Contracting Inc., is under contract to the Town of Westfield for the 2019 Mindowaskin Park Pathway Improvements in Westfield, New Jersey as authorized by S.O. 2206D, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to S.O. 2206D, account C-07-222-06D, under Purchase Order #19-03773.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$29,895.40 executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the 2019 Mindowaskin Park Pathway Improvements increasing the contract price to \$213,614.10.

Resolution No. 151

WHEREAS, sealed bids were received by the Town Clerk on June 24, 2020 for the 2020 Improvement of North Chestnut Street in Westfield, New Jersey as authorized by S.O. 2216A, and

WHEREAS, the low bid, in the amount of \$200,088.75, submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2216A, Account C-07-221-6A1, under Purchase Order PO# 20-01968.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$200,088.75 be awarded to Fischer Contracting Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

Town Council comments:

Councilman LoGrippo requested clarification of Resolution No. 147-2020 which authorizes submission of a grant application to NJ DOT for improvements to Willow Grove Road. Stated that Willow Grove Road was paved 6 to 7 years ago and feels there are other roads that are in greater need of paving.

The Town Administrator explained that usually only collector or arterial roads qualify for state funding. Stated that DPW has been on Willow Grove Road recently and the condition has deteriorated in certain areas. Since funding would be for the entire length of the road, it was felt that Willow Grove Road would be a good candidate because of its condition and because it is a collector road.

Councilman Contract asked the Town Administrator if he is aware of Willow Grove Road's PCI score as per the Pavement Management/Assessment Report.

The Town Administrator believes it was not a good score.

Councilman LoGrippo requested clarification as to the last time Willow Grove Road was paved.

The Town Engineer stated that it was paved 10 to 12 years ago.

Councilman LoGrippo believes the road was paved more recently than that.

COMMITTEE REPORTS

Code Review and Town Property Committee

The Town Administrator provided an update of a recent Code Review and Town Property Committee Meeting and informed the Town Council that Westfield 300 has redesigned its programs due to COVID-19. One event that is planned is outdoor movie nights in Tamaques Park which would be done in partnership with the Recreation Department. This program would be expected to begin later in July for 6 Thursday nights, assuming there are no changes in restrictions due to the pandemic. Funding would be provided through Westfield 300 fundraising and stated he understands that most, if not all, sponsors have agreed to continue to sponsor new events planned as a result of the pandemic.

Public Safety, Transportation and Parking Committee

Councilman Dardia provided an update of a recent Public Safety, Transportation and Parking Committee meeting as follows:

- Discussed the Bicycle Safety Task Force comprised of Councilmembers Katz, Contract and Dardia. Explained that it is an effort to increase bicycle safety awareness and the use of bike helmets among kids 17 years of age and under. Stated that many Town businesses support the program, which is scheduled to begin in August whereby children will award other children for wearing a bike helmet. In addition, announced that Jay's Cycle Center would be awarding a bicycle valued at \$500 as a grand prize in connection with the program and thanked them for their donation and involvement. Also stated that this program has the support of the Police, Fire and Health Departments, and Children's Specialized Hospital. Explained that the Police Department has a sizeable supply of bicycle helmets and would provide them to children that are riding bicycles without a helmet;
- Discussed the bicycle lane demonstration project, which is being led by the Green Team, and is scheduled to take place on August 23 through September 12, pending Town Council approval. Explained that this is a trial program and would include temporary bike lanes on Summit Road, Boulevard and Prospect Street. The Green Team's goal with this initiative is to solicit feedback from residents.

Councilman LoGrippo requested clarification as to the Police Department's role in issuing bicycle helmets to children as described by Councilman Dardia in his update.

The Police Chief explained that officers who observe children biking without helmets would provide them with a helmet, if available. The intent is to ensure that they are properly equipped.

Councilman Contract explained that one of the ideas as part of the initiative is called, "caught wearing your helmet" whereby people who wear bike helmets would be commended. The intention is to increase the number of people wearing bike helmets and would involve the assignment of student ambassadors stopping those who are wearing a helmet and awarding them a prize, such as a free slice of pizza. If a photo is taken and posted with a hashtag, they would be entered to win the grand prize. In addition, a video series would be launched that covers bicycle

safety and the dangers of not wearing a helmet. The idea is to encourage biking with a helmet, not to penalize those that do not wear one.

Councilman LoGrippo explained that his concern is with the impact to police manpower and mentioned that school crossing guards needed to be outsourced due to manpower issues.

Councilman Dardia continued the update as follows:

- Discussed the Police Department's Accreditation process and thanked the Police Chief for his candor and cooperation. Explained that this issue would remain as a standing agenda item for the foreseeable future because he feels it serves as a good opportunity for committee members to ask questions about Police Department policies and potential improvements to the department's culture. Clarified that this is about the progress the Police Chief has made and the committee wants to support that and cooperate with him as these changes continue;
- Discussed the potential for the issuance of resident only parking permits to residents who live on Fourth Avenue between South Chestnut Street and Salter Place. This would allow those residents to park on the street across from Gumbert Park to mitigate the risk of pedestrian and vehicular traffic and to increase traffic flow because it is a very narrow portion of Fourth Avenue. Explained that this action would require adoption of an ordinance, which is scheduled for introduction on July 14, 2020;
- Stated that a number of reports were reviewed which involved accidents that recently occurred at various intersections in Town. Explained that many residents are concerned with the increase in accidents in Town, particularly those involving pedestrians. The committee is considering implementing short-term action, such as targeted police enforcement, as well as long-term projects, including improved crosswalk striping, the installation of center islands and other traffic calming measures.

ADJOURNMENT

A motion to adjourn, made by Councilman Contract and seconded by Councilman Katz at 12:16 a.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk